

TONBRIDGE AND MALLING BOROUGH COUNCIL



COUNCIL MINUTE BOOK

July – October 2024

VOLUME 4

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

VOLUME 4
JULY TO OCTOBER 2024

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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 online.

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Monday, 8th July, 2024

Present: Cllr M A Coffin (Vice-Chair, in the Chair), Cllr R P Betts, Cllr D Keers, 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 L Athwal, Mrs A S Oakley, W E Palmer and M R Rhodes participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Access to Information Rule No 23.

An apology for absence was received from Councillor M D Boughton (Chair).

PART 1 - PUBLIC

CB 24/76 DECLARATIONS OF INTEREST

For reasons of transparency, Councillor M Taylor declared an Other Significant Interest on the grounds of being the Chairman of Borough Green Parish Council who were referenced in the report on Community Development Grants (Item 7). He withdrew from the meeting during consideration of this item and took no part in the discussion and voting thereon.

CB 24/77 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 4 June 2024 be approved as a correct record and signed by the Chairman.

MATTERS FOR CORPORATE MONITORING

CB 24/78 CORPORATE KEY PERFORMANCE INDICATORS

The report of the Management Team provided data on Key Performance Indicators (KPIs) that were aligned to the Corporate Strategy 2023 – 2027 and monitored on a quarterly or annual basis. The data provided related to the period up to the end of March 2024 and aimed to provide analysis about the performance of the Borough Council and support its improvement.

Members noted a number of positive trends including those relating to Affordable Housing delivery, the running of the Leisure Centres, Anti-Social Behaviour and residents signing up to Myaccount and the TMBC app. Conversely, decisions on planning applications had seen a negative trend, as had the number of fly tipping incidents in the borough. Further detail on these trends were set out at 1.1.2 to 1.1.5 of the report.

Questions were raised over KPI Refs 100 to 102 regarding planning applications and as advised by the Cabinet Member for Planning, Councillor M Taylor, officers would be requested to report on the slight downward trend at a future date. Reference was also made to the restricted contact hours currently in place to enable Planning officers to address case backlogs and support the implementation of the Agile system, for which Councillor Taylor undertook to investigate and report in due course. He also took the opportunity to provide a positive update on KPI Ref 032 in respect of Housing Land Supply which had since improved to 4.3 (years).

With regard to KPI Refs 013 and 014 regarding sickness absence, it was noted that whilst no emerging trend had been identified, sickness levels had been kept under regular review by the Management Team.

In response to a query raised over KPI Ref 029 regarding fly tipping incidents, the Deputy Leader confirmed that new signages would be installed to reflect the new increased fines and active enforcement would be imposed through any retendered contractor to ensure a strong message would be sent to any offenders.

Positive trends in respect of KPI Refs 005 and 006 in addressing Anti-Social Behaviour (ASB) cases and victim-based crimes were welcomed and the benefit of having an ASB Enforcement Team was acknowledged by Members.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 24/79 DECARBONISING AND ENERGY EFFICIENCY CAPITAL PLAN SCHEMES

Consideration was given to an updated 'Decarbonising the Council's Estate' List A Capital Plan scheme to cover all of the projects as outlined in the report, including a number of decarbonising and energy efficiency projects for which grant funding applications had been successful and several other projects being funded directly by the Borough Council, with a view to supporting delivery of the Climate Change Strategy.

Members welcomed the positive outcomes in relation to the external grant awards, details of which were set out in 1.2 of the report. In addition to the projects for which external funding had been obtained, a number of other projects which were either linked to those or had

already received approval by the Council utilising its own funding were set out in 1.3 of the report.

It was noted that the capital plan scheme 'Decarbonising the Council's Estate (P06AM)' was previously approved based on an estimate of an external funding of £800,000 and a Council contribution of £430,000, which figures now required updating following confirmation of the grant awards. A revised set of allocations to individual projects to be covered by the updated capital scheme were suggested in 1.4.3 of the report, with a total of £930,000 from TMBC funding and £1,644,799 from external grant funding.

Individual project evaluations for the new schemes were attached at Annexes 1 to 3 for information.

Although slight concern was expressed over the uncertainty around the noise level of the air source heat pumps to be installed at the Larkfield Leisure Centre, Members were assured that the level of noise would be taken into account as part of the planning process with due consideration given to mitigation measures if necessary.

In addition, particular reference was made to 1.6 of the report where the proposed procurement routes for the projects were set out and duly considered by Members.

RESOLVED: That quotations and tenders in respect of the following decarbonising and energy efficiency projects be sought and procurement routes be approved as required by paragraph 8.1 of the Borough Council's Contract Procedure Rules, including the use of frameworks where appropriate, as set out below and detailed in 1.6 of the report:

- (1) in respect of the re-felt work at Larkfield Leisure Centre, the LHC RS4 Roofing Systems Framework be utilised;
- (2) in respect of the installation of solar PV at Larkfield Leisure Centre, the Laser Consult, Design, Install Framework be utilised; and
- (3) in respect of the installation of air source heat pumps at Larkfield Leisure Centre, an open tender exercise be undertaken.

(Agreed by Cabinet under Decision Notice D240070CAB.)

RECOMMENDED*: That

- (1) the List A capital plan scheme 'Decarbonising the Council's Estate' be updated to include all of the projects as outlined in the report;

- (2) a revised figure of £1,644,799 attributable to external grant funding, be reflected in the updated Capital Plan Scheme; and
- (3) an increased contribution of £500,000 by the Borough Council to the Capital Plan Scheme, with £225,000 being funded from the Revenue Reserve for Capital Schemes and £275,000 being funded from the Climate Change Reserve, be approved.

***Recommended to Council**

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE KEY DECISIONS

CB 24/80 COMMUNITY DEVELOPMENT GRANTS

(Decision Notice D240071CAB)

The report of the Deputy Chief Executive presented the assessment outcome of the applications for the second round of the Community Development Grant Scheme and sought approval of a set of grant allocations, attached at Annex 2.

The Community Development Grant Scheme was allocated with a total sum of £165,269 as part of the Borough Council's UK Shared Prosperity Fund Investment Plan and the first round of the Scheme had successfully allocated grants to support a number of local organisations and voluntary sector groups with a total sum of £33,962, leaving an allocation of £131,307 for the second round. During the 8-week application window, 45 eligible bids had been received for grant funding of up to £5,000 and were scored against the agreed criteria as set out in Annex 1. A scaled allocation approach had been adopted due to oversubscription of the Scheme and a schedule of suggested allocations including scoring were set out in Annex 2. Detailed summary of every eligible application was included in Annex 3.

Members welcomed the positive results arising from the implementation of the second round of the Scheme and recognised the significant benefits the Scheme would bring to contribute to the local communities in addressing the cost-of-living crisis for the vulnerable, supporting healthy lifestyles, improving community safety, helping people gain skills to access the workplace and supporting environmental and carbon reduction initiatives.

RESOLVED: That

- (1) the grant allocations, as set out in Annex 2 of the report, be endorsed.

CB 24/81 HOUSEHOLD SUPPORT FUND

(Decision Notice D240072CAB)

The report of the Director of Finance and Transformation presented a draft Tonbridge & Malling Borough Council Household Support Fund Scheme April – September 2024 (Annex 1) and sought Members' approval of the Borough Council's approach in use of the current grant of the Household Support Fund for the borough.

Following the agreement made in April for the Borough Council to accept a grant from the Fund of £139,263 and to use it in accordance with Government guidance, a Household Support Fund Scheme had been drafted to set out the proposed use of the fund, with an objective to provide crisis support for households. The strategy for direction of funding was based on successful outcomes of previous awards, statistical returns and experience.

Particular reference was made to the deadline for the grant to be used by 30 September 2024 as unspent grant could not be carried forward. It was expected that a minimum of 50% funding would be allocated to foodbanks and fuel voucher schemes under the proposed Scheme, which also allowed for a mechanism to adapt the direction of funds in response to changing or emerging priorities throughout the lifespan.

Furthermore, Members were assured that engagements would be made with foodbanks across the borough to ensure coverage of the Scheme and support for those who were most in need.

RESOLVED: That

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

EXECUTIVE NON-KEY DECISIONS**CB 24/82 2023/24 FINANCIAL OUTTURN AND MAY 2024 BUDGETARY CONTROL**

(Decision Notice D240073CAB)

The report of the Director of Finance and Transformation presented Members with the 2023/24 Financial Outturn and the current financial position to the end of May 2024 for the 2024/25 Financial Year, in accordance with the Borough Council's Financial Procedure Rules. It also provided details of the savings identified to date against the current year's savings target of £305,000 and sought advice from the Cabinet on a budget consultation in the lead up to the 2025/26 budget.

A detailed revenue and capital outturn position for the year 2023/24 was provided in the Revenue and Capital Outturn Booklet attached at Annex 1. Members were pleased with the positive revenue position for 2023/24, reported as a contribution to the Borough Council's General Revenue Reserve of £1,304,159 after taking into account the additional reserve movements as set out in 1.1.10 of the report. Details of the movements in reserve balances as at 31 March 2024 were set out in Annex 2 and a summary of the decisions taken by Cabinet and Committees with budget implications since the revenue budget was approved by Council in February 2024 to the end of May 2024 was attached at Annex 3.

Budgetary Control Monitoring Statements for Salaries and Incomes to the end of May 2024 were attached for information at Annex 4 and Annex 5 respectively. The 2024/25 revenue budget position was summarised in 1.7.1 of the report, which reflected a favourable net variance of £142,438 as at the end of May 2024.

At the request of the Director of Street Scene, Leisure and Technical Services and under the Constitution's Financial Procedure Rule 13.3, consideration was given to a virement of £60,000 in order to support the recommissioning of the Waste contract in 2027. It was noted that the £60,000 was achieved as a saving to the current year's budget due to the lower than anticipated inflation rate on the Street Cleansing, Refuse and Recycling Contract and this approach was supported by Members.

With regard to Business Rates monitoring, particular reference was made to the variation of £642,000 below the original estimate of an overall net income of £6,184,366, however, the delay in one business property in the Panattoni Park being rated by the Valuation Office due to the complexity of the assessment was noted and Members were made aware that the rates bill would be backdated as appropriate.

In terms of progressing towards the savings target of £1.7m as identified in the Borough Council's Medium Term Financial Strategy (MTFS),

Members were pleased to note that the savings target for the first tranche of £305,000 to be achieved before 1 April 2025 had been exceeded by approx. £409,000, therefore the remaining tranches for the savings target would need to be adjusted accordingly to take into account the additional savings and growth as identified in the report and any increased budgetary pressures above those identified in the 2024/25 MTFS.

Finally, having duly considered the recommendation from the External Auditors, Grant Thornton, to engage key stakeholders to determine local priorities for resources or opportunities for savings, Cabinet were content with their existing rigorous approach to decision making and the positive financial performance of the Borough Council and therefore did not consider it necessary to undertake a specific consultation leading up to the 2025/26 budget, although it was noted that they would keep the recommendation in mind.

RESOLVED: That

- (1) the year end position for 2023/24 be noted and the reserve movements as shown in paragraph 1.1.10 of the report be endorsed;
- (2) the virement of £60,000 proposed by the Director of Street Scene, Leisure and Technical Services in respect of support for the recommissioning of the Waste contract in 2027, as set out at paragraph 1.6.2 of the report, be approved;
- (3) as at the end of May 2024, a net favourable variance of circa £142k when compared to the proportion of the 2024/25 budget, as shown in paragraph 1.7.1 of the report, be noted;
- (4) the current business rate pool position as at the end of May 2024, as set out in paragraph 1.8.2 of the report, be noted;
- (5) the current progress on the current savings target of £1.7m, as set out in paragraph 1.9.4 of the report, be noted; and
- (6) there be no budget consultation to be planned in the lead up to the preparation of the 2025/26 budget.

CB 24/83 TONBRIDGE AND MALLING DRAFT PRODUCTIVITY PLAN

(Decision Notice D240074CAB)

The report of the Management Team presented a draft Tonbridge and Maling Productivity Plan (Appendix 1) for endorsement by Members before submission to the Government by the deadline of 19 July 2024.

Four themes were set out in the request letter from the Minister for Local Government to guide the responses that were being sought from local authorities: (1) transformation and use of resources; (2) taking advantage of technology; (3) plans to reduce wasteful spend; and (4) barriers preventing progress.

The proposed Productivity Plan centred around the above four themes and accorded closely with the following three key priorities as set out in the Tonbridge and Malling Corporate Strategy 2023 – 2027: Innovation, Transformation and Delivery.

During discussion, particular reference was made to the benefits of having remote working policies in place to allow for flexible working and productivity improvement and the advantage of having a longer than one year finance settlement to provide certainty.

RESOLVED: That

- (1) the Tonbridge and Malling Borough Council Productivity Plan, attached at Appendix 1, be endorsed.

MATTERS SUBMITTED FOR INFORMATION

CB 24/84 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

The Minutes of the Parish Partnership Panel of 30 May 2024 and the Minutes of the Joint Transportation Board of 17 June 2024 were received and noted.

CB 24/85 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 24/86 NOTICE OF FORTHCOMING KEY DECISIONS

Notice of Forthcoming Key Decisions for July to August 2024 was presented for information.

CB 24/87 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.35 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 9th July, 2024

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 9th July, 2024

Present: His Worship the Mayor (Councillor S M Hammond), the Deputy Mayor (Councillor C Brown), Cllr L Athwal, Cllr B Banks, Cllr Mrs S Bell, Cllr A G Bennison, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr P Boxall, Cllr G C Bridge, Cllr R I B Cannon, Cllr J Clokey, Cllr M A Coffin, Cllr S Crisp, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr D Harman, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr J R S Lark, 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 Thornewell, Cllr K S Tunstall and Cllr C J Williams

Apologies for absence were received from Councillors K Barton, A Cope, P M Hickmott, W J Mallard and R W G Oliver

PART 1 - PUBLIC

C 24/56 DECLARATIONS OF INTEREST

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

C 24/57 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 14 May 2024 be approved as a correct record and signed by the Mayor.

C 24/58 ELECTION OF MEMBER FOR JUDD WARD, TONBRIDGE

The report of the Chief Executive and Returning Officer set out the results of the by-election held on 4 July 2024 to fill the vacancy in Judd Ward, Tonbridge.

Members were advised that Mr Stacey Pilgrim had been duly elected as Councillor to hold office until 2027.

C 24/59 MAYOR'S ANNOUNCEMENTS

The Mayor welcomed Damian Roberts (Chief Executive) and Stacey Pilgrim (Borough Councillor for Judd Ward) to their first meeting of the Council.

A number of engagements had been attended since the last meeting of Council and particular reference was made to the following civic and charity events:

- St John's Church Hildenborough's 180th Anniversary Event
- 80th Anniversary of D-Day Commemorative Service at Rochester Cathedral
- D-Day Beacon Lighting Ceremony at the RBLI
- Tonbridge Lions Club's Community Fete at Tonbridge Castle
- Spadework's 40th Anniversary Celebration Event
- Tonbridge Lions Club's It's a Knockout
- Unveiling of a Word Ward II Information Board relating to a V-1 Flying Bomb (Doodlebug), opposite Tonbridge School
- Chairman of KCC's Armed Forces Flag Raising Ceremony at County Hall, Maidstone
- Hillview School for Girls Primary Arts Festival at Deaconfield, Tonbridge
- Tonbridge Model Engineering Society's 80th Anniversary Celebration Event at The Slade, Tonbridge
- West Malling Community Choir's Joint Concert with Choeur a Choeur du Pays de Thelle at St James the Great Church, East Malling

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

- Remembrance Sunday Services – 10 November 2024
- Armistice Day – 11 November 2024

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

C 24/60 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 24/61 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

In accordance with Council Procedure Rule No. 5.5 a question had been submitted by Cllr Clokey in respect of the decision to extend the off-

street car parking charges. A detailed response had been provided by the Cabinet Member for Transformation and Infrastructure and the question and answer, attached as Annex 1 to the Minutes, were noted.

Cllr Clokey took the opportunity to ask a supplementary question and sought clarification on how ongoing usage of car parks would be assessed and reported to Members for consideration. The Cabinet Member indicated that regular updates would be provided to the Joint Transportation Board and appropriate Scrutiny Select Committee.

C 24/62 NOTICE OF MOTION SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE NO. 5.27 (24/004)

Consideration was given to a Notice of Motion (24/004) pursuant to Council Procedure Rule No 5.7 submitted by Cllr Clokey in relation to the LGA Debate Not Hate Campaign (as set out on page 27).

Members noted that subsequent to the meeting of Council of 14 May where this Campaign was first discussed, the LGA had published the 'Ending Abuse in Public Life Council Self-Assessment Toolkit'. As set out in the Notice of Motion, Cllr Clokey proposed that:

- the Chair of the Joint Standards Committee be responsible for co-ordinating the completion of this toolkit; and
- the Joint Standards Committee review progress against the measures supplied in the toolkit on an annual basis.

This was seconded by Cllr Hoskins and supported unanimously by Members. However, it was also recognised that elements of the campaign could be applied to members of the public and could be reviewed by a Scrutiny Select Committee if appropriate.

RESOLVED: That actions requested by the Notice of Motion (24/004) be agreed.

C 24/63 LEADER'S ANNOUNCEMENTS

The Leader opened his announcements by welcoming Damian Roberts to his first meeting of Full Council as Chief Executive, together with Cllr Pilgrim as the newly elected Member for Judd Ward and paid tribute to those Officers who had undertaken interim roles following the retirement of the previous Chief Executive. Appreciation was also recorded to the Deputy Leader (Cllr M Coffin) who had taken over many responsibilities in support of the Leader during the run up to the General Election.

Reference was made to the recent General Election which saw Tonbridge and Malling welcome two new Members of Parliament in Helen Grant (Maidstone and Malling) and Tristan Osborne (Chatham and Aylesford); Tom Tugendhat remained the Member of Parliament for Tonbridge.

The Leader acknowledged the challenges of getting local messages to residents during a pre-election publicity period (formerly known as *purdah*) as reinforced by the upcoming Local Plan considerations.

Members were reminded that the draft Local Plan would be published in the next few weeks and the challenges around balancing development to meet housing targets and listening to views of local communities and residents would be difficult. There could also be potential conflict with central Government with changes to the National Planning Policy Framework (NPPF) anticipated. When finalising the Local Plan there would be a real focus on the evidence base and feedback from public consultation. The Housing and Planning Scrutiny Select Committee would have the opportunity to comment on the draft Local Plan prior to the public consultation at its next meeting.

Full Leader's announcements were available on the Borough Councils [YouTube channel](#).

MATTERS FOR DECISION

C 24/64 POLITICAL BALANCE ARRANGEMENTS

The report of the Director of Central Services and Deputy Chief Executive set out details of political balance arrangements following the recent Judd Ward by-election. The Borough Council were required to apply political balance to its committees, scrutiny select committees and advisory panels and boards.

RESOLVED: That

- (1) the composition of all committees, scrutiny select committees and advisory panels and boards be approved in accordance with the table set out at paragraph 1.1.7 of the report; and
- (2) the Monitoring Officer make any consequential amendments to the Borough Council's Constitution in respect of political balance.

C 24/65 APPOINTMENTS TO COMMITTEES, PANELS AND GROUPS

As a consequence of the recent by-election for Judd Ward, there were a number of changes required to the membership of committees, scrutiny select committees, advisory panels and other groups for the remainder of the municipal year. Council was asked to approve membership in accordance with the Terms of Reference and delegated responsibilities set out in the Constitution.

The following appointments were recommended:

Area 1 Planning Committee	Cllr S Pilgrim (Green)
Communities and Environment Scrutiny Select Committee	Cllr S Pilgrim (Green)
Tonbridge Community Forum	Cllr S Pilgrim (Green)

There was also a requirement to appoint a new Chair for the Tonbridge Community Forum. After consultation between the Leaders of the Conservative Party and the Green Group, Cllr Boughton proposed that Cllr Lee Athwal be appointed as Chair of the Tonbridge Community Forum. This was seconded by Cllr Coffin and supported unanimously by Members.

Finally, the list of substitute Members agreed at Annual Council on 14 May 2024 would be updated to reflect that newly elected Cllr Pilgrim would fill the vacancies created by the resignation of former Cllr Hines.

RESOLVED: That

- (1) the appointment of Cllr Pilgrim to the Area 1 Planning Committee be approved;
- (2) the appointment of Cllr Pilgrim to the Communities and Environment Scrutiny Select Committee for the remainder of the municipal year be approved;
- (3) the appointment of Cllr Pilgrim to the Tonbridge Community Forum be noted;
- (4) the appointment of Cllr Athwal as Chair of the Tonbridge Community Forum be approved; and
- (5) the list of substitute Members be amended to reflect that Cllr Pilgrim would replace former Cllr Hines.

C 24/66 CHANGES TO THE CONSTITUTION

Consideration was given to recommended changes to the Constitution in respect of:

- (1) Council Procedure Rule 5.28 - Motions on Notice (Part 4 – Rules); and
- (2) the Planning Code of Good Practice (Part 5 – Codes)

Following the last meeting of Council, the Monitoring Officer had reviewed CPR 5.28 relating to the submission of Notices of Motion and it was recommended that the rule be amended to enable the Chief Executive to reject the motion if it related to national or international

matters in respect of which the Council had no powers, rights or duties. The recommended change was intended to provide greater clarity for future motions and addressed the concerns raised at the previous meetings.

Concern was expressed that the proposed amendment to CPR 5.28 prevented the Borough Council discussing issues that residents felt were important and that the authority had a responsibility for providing a unified voice on significant national and international issues. Cllr Bridge proposed that the wording '*e.g. the motion relates to national or international matters in respect of which the Council has no powers, rights or duties*' be removed and this was seconded by Cllr Hoskins. Following a vote this amendment was rejected.

A further amendment proposed by Cllr Clokey, seconded by Cllr Hoskins to add '*... and which does not affect the Borough*' after '*no powers rights or duties*' was rejected following a vote.

Councillor Boughton proposed, seconded by Cllr Coffin that CPR 5.28 be amended as detailed in the report and this was supported by the majority of Members.

With regard to the second recommended change, particular reference was made to the ongoing review of Borough Council assets within Tonbridge and as this progressed into the next phase it was appropriate to consider how any applications for development on Council owned land would be considered by the authority in its capacity as Local Planning Authority. Given the potential significance of proposals that were expected to arise through the review, it was recommended that all applications for planning permission submitted by the Borough Council as landowner should be determined by the Full Council. This would ensure that applications had been determined openly and transparently and allowed all Members of the authority to be involved in consideration of the proposals for development. The proposed amendments to the Codes were out set out in Annex 1.

Concern was expressed that the role of Area Planning Committees in decision-making of applications in their areas would be diminished and each Committee should be able to determine planning applications themselves. However, there were also views expressed that this proposed change to the Planning Code of Good Practice provided a greater level of scrutiny and removed any potential conflict between responsibility as a Borough Councillor or Ward Member. It was also felt important to separate the roles between landowner and decision maker.

Cllr Clokey proposed that 'if the Chair of the Area Planning Committee believed insufficient Members of the Committee were available to take the decision, due to having to declare an Interest and having to withdraw from the debate, that the application should be referred to the Council for decision'. This amendment was seconded by Cllr Hoskins.

In accordance with Council Procedure Rule 8.4 Councillor Thornewell requested that a recorded vote be undertaken. The request was supported by Councillor Hoskins.

The voting on the motion was recorded as follows:

Members voting in favour of the motion:

Councillors Athwal, Banks, Bennison, Bishop, Boxall, Bridge, Clokey, Dean, Crisp, Hoskins, Hood, Oakley, Pilgrim, Palmer, Parry, Roud, Taylor, Tatton and Thornewell.

Total: 19

Members voting against the motion:

Councillors Bell, Betts, Boughton, Brown, Cannon, Coffin, Dalton, Davis, Hammond, Harman, Hudson, Keers, King, Lark, McDermott, Mehmet, Rhodes, Tanner, Tunstall and Williams.

Total: 20

Members who abstained from voting: 0

(Total Members Eligible to Vote = 39)

Cllr Boughton proposed, seconded by Cllr Coffin that the Planning Code of Good Practice be amended as detailed in 1.2 of the report.

In accordance with Council Procedure Rule 8.4 Councillor Athwal requested that a recorded vote be undertaken. The request was supported by Councillor Parry.

The voting on the motion was recorded as follows:

Members voting in favour of the motion:

Councillors Bell, Betts, Boughton, Brown, Cannon, Coffin, Dalton, Davis, Hammond, Harman, Hudson, Keers, King, Lark, McDermott, Mehmet, Palmer, Rhodes, Tanner, Taylor, Tunstall and Williams.

Total = 22

Members voting against the motion:

Councillors Athwal, Banks, Bennison, Bishop, Boxall, Bridge, Crisp, Clokey, Dean, Hoskins, Hood, Oakley, Parry, Pilgrim, Roud, Tatton and Thornewell.

Total: 17

Members who abstained from voting: 0

(Total Members Eligible to Vote = 39)

RESOLVED: That

- (1) Council Procedure Rule 5.28 be amended as detailed in 1.1.4 of the report;
- (2) the Planning Code of Good Practice be amended as detailed in 1.2 of the report and in Annex 1; and
- (3) the Monitoring Officer be authorised to amend the Constitution as set out in paragraph 1.1.4 of the report and in Annex 1.

C 24/67 DECARBONISING AND ENERGY EFFICIENCY CAPITAL PLAN SCHEMES

Consideration was given to the recommendations of Cabinet of 8 July 2024 in respect of updating the Decarbonising the Council's Estate' List A Capital Plan Scheme. Particular reference was made to the Borough Councils successful applications for external grant funding from the Governments Swimming Pool Support Fund and the Public Sector Decarbonisation Scheme, which would be used to support a number of Schemes.

Following confirmation of the external grant funding awarded a revised set of allocations to individual projects, under the umbrella of the 'Decarbonising the Council's Estate, were detailed in the report considered by Cabinet. In summary, a total of £930,000 would be provided from TMBC funding and £1,644,799 from external grant funding. An additional £500,000 of Borough Council funding would be required as part of updating this Capital Plan Scheme and could be added from a combination of the revenue reserve for Capital Schemes and the Climate Change Reserve.

RESOLVED: That

- (1) the List A Capital Plan Scheme 'Decarbonising the Council's Estate' be updated to include all of the projects as outlined in the report considered by Cabinet on 8 July 2024;
- (2) a revised figure of £1,644,799 attributable to external grant funding be reflected in the updated Capital Plan Scheme; and
- (3) an increased contribution of £500,000 by the Borough Council to the Capital Plan Scheme be approved and divided as set out below:

- £225,000 funded from the Revenue Reserve for Capital Schemes;
- £275,000 funded from the Climate Change Reserve.

MATTERS FOR INFORMATION

C 24/68 NON-ANNUAL APPOINTMENT TO BERRY HOUSING TRUST

The Secretary of the Berry Housing Trust had advised that the information held by the Borough Council in respect of its non-annual appointments were out of date. Members noted the current appointments as set out in 1.1.2 of the report were for an indefinite period.

C 24/69 MINUTES OF CABINET AND COMMITTEES

The Minutes of meetings of the Cabinet and Committees for the period April to June 2024 set out in the Minute Book (Volume 3), attached as a supplement, were received and noted.

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

C 24/70 SEALING OF DOCUMENTS

RESOLVED: That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

MATTERS FOR CONSIDERATION IN PRIVATE

C 24/71 EXCLUSION OF PRESS AND PUBLIC

The Mayor moved, it was seconded and

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

PART 2 - PRIVATE

MATTERS FOR DECISION

C 24/72 PROPOSED CHANGES TO THE ESTABLISHMENT

(Reasons: LHA 1972 – Sch 12A Paragraph 1 and 2 – Information relating to an individual and information which is likely to reveal the identity of an individual)

Consideration was given to the recommendations of the General Purposes Committee of 12 June 2024 in respect of a number of

establishment changes. Approval was required from Full Council for those proposals which represented budget growth.

RESOLVED: That with effect from 10 July 2024

- (1) the Internal Communications Officer post (DA1299) be permanently established at 18.5 hours per week;
- (2) the proposed changes within the Revenues and Benefits Service be established; and
- (3) the proposed changes within Accountancy and Exchequer Services be established.

The meeting ended at 9.16 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

MINUTES

Wednesday, 17th July, 2024

Present: Cllr S A Hudson (Chair), Cllr A G Bennison, Cllr S Crisp, Cllr F A Hoskins, Cllr J R S Lark, Cllr S Pilgrim, Cllr M R Rhodes, Cllr K S Tunstall, Cllr G C Bridge, Cllr C Brown and Cllr D A S Davis.

Cllrs R P Betts, M A J Hood, D Keers* and Mrs A S Oakley* were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell, A McDermott, W E Palmer and Mrs M Tatton.

(*participated via MS Teams)

CE 24/22 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr C Brown substituted for Cllr A McDermott
- Cllr G Bridge substituted for Cllr M Tatton
- Cllr D Davies substituted for Cllr 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

CE 24/23 DECLARATIONS OF INTEREST

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

CE 24/24 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 22 May 2024 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

CE 24/25 CLIMATE CHANGE MONITORING AND REPORTING

(Decision Notice D240077MEM)

Member approval was sought for the publication of the Climate Change Action Plan Year 4 Progress Report, the Climate Change Action Plan Year 5 2024/25 and the Carbon Audit 2023/24 (attached as Annexes 1, 2 and 3 respectively).

The report summarised progress achieved to date, the new action plan and trends in emissions from the Borough Council's estate and operations. The most significant sources of emissions across the TMBC estate and operations remained leisure facilities and refuse collection vehicles. Addressing these would make the largest impact towards the 2030 carbon neutral aspiration.

Members sought clarification on a number of issues including the progress being made on installing electric vehicle charging points throughout Tonbridge; the use of the Social Housing Decarbonisation Fund to encourage energy efficient homes; reinstating monitoring of air pollution arising from idling vehicles and improved recycling facilities at public open spaces and events. These were addressed in detail by Officers and the response noted by the Committee. The participation of the Borough Council in the Kent County Council Climate Change Group meant that Tonbridge and Malling were fully aware of upcoming pilot schemes and remained open to involvement in projects. Reference was also made to the recycling opportunities being explored by the Borough Council Events Management Team and the proposed DEFRA deposit return scheme for drinks containers which would be given careful consideration.

***RECOMMENDED:** That

- (1) the Climate Change Action Plan Year 4 Progress Report (attached at Annex 1) be endorsed;
- (2) the Climate Change Action Plan Year 5 2024/25 (attached at Annex 2) be approved; and
- (3) the Carbon Audit for 2023/24 (attached at Annex 3) be approved.

***Decision Taken by Cabinet Member**

CE 24/26 HEALTH PRIORITIES

(Decision Notice D240078MEM)

Consideration was given to a number of health priorities identified by the Borough Council's Health Action Team (HAT) to focus on and develop a TMBC Health Action Plan. These priorities would also inform a Kent and Medway shared delivery plan which underpinned the Kent and Medway Integrated Care Strategy.

It was advised that within the delivery plan for the Strategy, district council priorities were cited which would support the overall shared outcomes. The priorities had been established through discussion, workshops and a survey and a focus on improving mental health, supporting older people and improving children's health was recommended.

Members recognised the importance of identifying what priorities should be focused on and particular reference was made to the high figures for mental health, especially in older people as a result of loneliness. Concern was also expressed at the levels of obesity in children and it was hoped that healthy eating and exercise could be encouraged.

The risk of reduced funding from Kent County Council was recognised given their difficult financial position, although Officers were pleased to report that the County Council had confirmed funding for the next 2 years, until 2026 subject to them receiving the Public Health grant. However, other opportunities for funding would continue to be explored.

***RECOMMENDED:** That

- (1) the following three Health Action Plan priorities be endorsed;
 - improving mental health;
 - supporting older people; and
 - improving children's health
- (2) the positive work of the Health Action Team and the links being made with the Kent and Medway Integrated Care Strategy be noted.

***Decision Taken by Cabinet Member**

CE 24/27 TONBRIDGE RACECOURSE SPORTSGROUND MANAGEMENT PLAN CONSULTATION

The report of the Director of Street Scene, Leisure and Technical Services presented comments received as part of the public consultation

exercise on the draft Tonbridge Racecourse Sportsground Management Plan.

A summary of the comments received, Officer responses and any proposed changes were detailed in Annex 2 and these were given careful consideration by the Committee. It was noted that the responses covered a variety of topics including active travel, improvements to the children's play area, biodiversity, footpath widening, reuse of the bowling green area, tennis court improvements and flooding.

There was detailed discussion on footpaths which respondents felt needed to be widened to accommodate pedestrians, runners, cyclists, prams and disabled buggies. Whilst the comments were noted, it was explained that as the site was on a flood plain there were restrictions on building so widening the paths all the way around the site was unlikely to be realistic. It was noted that a correction was required in Annex 2 to change 'likely to be realistic' to 'unlikely to be realistic'.

Members hoped that a number of issues could be considered as part of the Management Plan and these included encouraging more volunteers to the site, creating more activities for young people and addressing the issues around the use of the slipway impacting on the Borough Council owned car park. The Borough Council were in the process of reviewing its Sport Strategy which could highlight options for the area and Members would have opportunity to comment on any proposals.

Other points raised for future consideration related to improved security and lighting and cycle paths. With regard to the latter, Members were advised that project 62 in the Action Plan committed to a review of cycling provision on site.

***RECOMMENDED:** That it be commended to Cabinet that

- (1) the proposed amendments to the draft Management plan, as set out in Annex 2, be approved, subject to amending the proposed responses in respect of footpaths and active travel to read 'unlikely to be realistic'.
- (2) the draft Management Plan for Tonbridge Racecourse Sportsground 2024-28 (attached at Annex 3) be approved.

***Recommended to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

CE 24/28 WORK PROGRAMME 2024

The Work Programme setting out matters to be scrutinised during 2024/25 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 24/29 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.25 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

MINUTES

Monday, 22nd July, 2024

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

Virtual: Councillors Mrs A S Oakley and W E Palmer were also present
pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AU 24/23 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute members.

AU 24/24 DECLARATIONS OF INTEREST

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

AU 24/25 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee
held on 15 April 2024 be approved as a correct record and signed by the
Chairman.

MATTERS FOR RECOMMENDATION TO COUNCIL

AU 24/26 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 2023. The proposed changes
to the Local Code were relatively minor in nature and the revised Code
was attached as Annex 1 to the report.

During discussion, it was requested that literature be included in future to
demonstrate that checks were undertaken to ensure that procedures
were being followed and were reviewed to ensure their effectiveness in
determining the outcome.

In terms of the effectiveness of the internal audit service and Audit Committee, although it was recognised that the Annual Report of the Audit Committee reported the effectiveness of the Committee, it was suggested that consideration be given to Grant Thornton undertaking a review of the Committee's effectiveness.

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 24/27 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT FOR 2023/24

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April to May of the current financial year. The treasury management outturn position for 2023/24 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 31 May 2024 was set out in Annex 1 to the report.

Members received an update on the Lothbury Property Trust, who had for several months been in negotiations to find a suitable merger to enable investors to continue to hold shares within the property market. Unfortunately the merger discussions did not provide the desired result and concluded with the termination of the Lothbury Property Trust on 30 May 2024. The first tranche in respect of TMBC's holdings had been paid back on 5 June 2024 and a further tranche on 5 July 2024. Additional funds would be distributed as and when assets were sold and dividends would continue to be paid on income generating assets whilst the fund was in the process of securing the sale of assets.

Member's attention was drawn to the Treasury Management Annual Report for 2023/24 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 £866,137, and £1.272m when compared to the 2023/24 original estimates mainly due to the Bank Rate being held at 5.25% for longer than expected in 2023/24.

RECOMMENDED*: That the following be commended to Council:

- (1) the action taken in respect of treasury management activity for April to May 2024 be endorsed; and

(2) the 2023/24 outturn position be noted.

***Referred to Council**

MATTERS FOR RECOMMENDATION TO THE CABINET

AU 24/28 RISK MANAGEMENT

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

The executive summary of the RED risks was attached at Annex 1 of the report and a full update of the current strategic risks and how they were being managed as at the time of the report being written was attached at Annex 1a.

Members received an update on the risk management process and the Strategic Risk Register (SRR). In April 2024, there were 4 risks categorised as RED as summarised below:

- Savings and Transformation Strategy
- Local Plan
- Implementation of the Agile software system
- Procurement

Following the detailed training the Committee received earlier in the year, together with the recommendations made by the risk consultant from Zurich, Management Team had commenced a review of all the risks contained within the Strategic Risk Register with a view to achieving a more streamlined version, highlighting only the strategic risks to the Council over the one to two year horizon. A number of changes had been made to the current Register, including the deletion of some risks that were no longer felt to be strategic risks and the titles of some of the risks. The risks deleted were:

- IT Infrastructure
- Compliance with legislation
- Devolution
- Elections
- Partnerships including shared services
- Flooding

The RED risks at the time of the publication of the report were:

- Achievement of Savings and Transformation Strategy
- Failure to agree a Local Plan
- Implementation of the Agile software system
- Contract/Contractor Procurement

A schedule of ongoing risks identified by Service Management Teams and Management Team since the last report to the Committee in January 2024 was set out in Annex 2 of the report.

During discussion, Members were advised of the potential risks associated with the continuation of the Local Plan at this stage and were reminded of the importance of an effective Local Plan to manage development.

RECOMMENDED*: That

- (1) the review undertaken by Management Team in streamlining the Strategic Risk Register, be noted; and
- (2) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as RED, be noted.

***Referred to Cabinet**

MATTERS FOR DECISION UNDER DELEGATED POWERS

AU 24/29 ANNUAL GOVERNANCE STATEMENT 2023/24

The report of the Management Team presented the Annual Governance Statement for the year ended 31 March 2024 which was certified by both the Leader of the Council and the Interim Chief Executive on 31 May 2024 and would accompany the Council's Statement of Accounts 2023/24.

The Annual Governance Statement, attached at Annex 1, 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 2024, as set out at Annex 1 to the report, be endorsed.

AU 24/30 STATEMENT OF ACCOUNTS 2023/24

The report of the Director of Finance and Transformation presented an unaudited set of Accounts for 2023/24 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.

The final contribution to the General Revenue Reserve was in the region of £1.3m, which was £63k more than expected at final estimates. This was predominantly due to the levels of investment income that were able to be achieved over the last year alongside higher levels of income from other Council sources.

The Council's net worth increased by £8.9m in 2023-24 due to a number of factors, significantly the £3m reduction in pension liability due to asset returns having been higher than expected, the increase of heritage asset values by £2.9m based on the Council's insurance valuations for the year.

Overall there had been an increase in the value of the authority's assets, however it was noted that the Council's property and equipment had decreased in value this year, primarily due to the homelessness properties being considered to be social housing and therefore valued using the local housing allowance. These properties had previously been held within the asset register at their purchase price. Other changes in asset values included an increase in the value of industrial units by £866k. These units were being leased to predominantly secure tenants which had led to an increase in their value. Industrial yields were currently reporting between 5-7.25% but being prudent 4-5% had been applied to these properties.

During discussion, concern was raised regarding the 'backlog' issues nationally and the impact on the Council's audit of the 2023-24 accounts and it was noted that the External Auditors from Grant Thornton confirmed that the final accounts audit would start as of 1 October 2024.

RESOLVED: That

- (1) the unaudited set of Accounts for 2023/24 be noted and endorsed; and
- (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.

AU 24/31 REVIEW OF THE 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 2023/24. 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 2023/24 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 2023/24 was Good, be endorsed.

MATTERS SUBMITTED FOR INFORMATION

AU 24/32 OPINION OF THE CHIEF AUDIT EXECUTIVE ON THE FRAMEWORK OF GOVERNANCE, RISK MANAGEMENT AND CONTROL, TOGETHER WITH THE ANNUAL INTERNAL AUDIT REPORT AND ANNUAL COUNTER FRAUD REPORT FOR THE YEAR 2023/24

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 2023/24 to support that opinion. The report also informed the Committee of the work carried out by the Counter Fraud function in 2023/24.

RESOLVED: That the report be noted.

AU 24/33 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 2023/24 accounts and update on emerging national issues and developments from the external auditor Grant Thornton.

RESOLVED: That the report be noted.

AU 24/34 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.41 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 7th August, 2024

Present: Cllr W E Palmer (Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, Cllr P Boxall, Cllr M A Coffin, Cllr D Harman, Cllr S A Hudson, Cllr J R S Lark, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor

Apologies for absence were received from Councillors C Brown (Vice Chair) and S Crisp and an apology for in-person attendance was received from Councillor Mrs T Dean who participated via MS Teams in accordance with Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP2 24/18 DECLARATIONS OF INTEREST

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

AP2 24/19 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 29 May 2024 be approved as a correct record and signed by the Chairman.

AP2 24/20 GLOSSARY AND SUPPLEMENTARY MATTERS

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

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

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

**AP2 24/21 TM/24/00144/PA - 32 POUND ROAD, EAST PECKHAM,
TONBRIDGE**

Proposal of New Cafe and associated parking

After careful consideration of the points raised by the speakers and the submitted details and conditions set out in the report of the Director of Planning, Housing and Environmental Health, Members expressed significant concern in respect of the policy non-compliance with regard to the inadequate parking provision and the proposed change of use of the development with associated impact on the neighbourhood and the amenities.

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

1. The proposed development by reason of its inadequate parking provision fails to comply with Policy SQ8 of the Managing Development and the Environment DPD and KCC Parking Standards SPG4.
2. The proposed development by reason of its increase in size and the inclusion of an internal seating area, creates an intensification of the use to the site, which is harmful to the amenity of the adjoining occupiers in terms of noise and disturbance contrary to Policy SQ6 of the Managing Development and the Environment DPD.

[Speakers: Cllr M Williams (representing East Peckham Parish Council), Ms S Barth and Mr J Scorey (members of the public) and Mr D Town (agent on behalf of the Applicant) addressed the Committee in person.]

AP2 24/22 TM/24/00307/PA - HILDENBOROUGH, ASHES LANE, HADLOW

Demolition of existing detached bungalow and garage and replacement 4 x bedroom detached dwelling including basement accommodation and integral garage

Due regard was given to the determining issues and conditions as detailed in the report of the Director of Planning, Housing and Environmental Health, with particular reference made to the conditions proposed in respect of the trees surrounding the development protected by TPO given their significance, and Members were assured of the ongoing engagement with arborist and the Tree officer to ensure appropriate protection of the trees.

In addition, concern was raised over potential impact of the demolition work on the party wall with the neighbouring property and it was confirmed by Planning Officers that an informative in respect of a party wall agreement could be added, albeit it was acknowledged that this would be a civil matter between the development and the neighbouring property.

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

[Speakers: Ms L Edmonds (member of the public) addressed the Committee via MS Teams and Mr S Bowman (agent on behalf of the Applicant) addressed the Committee in person.]

AP2 24/23 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 24/24 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.47 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 3rd September, 2024

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 L Athwal, B Banks, J Clokey, M A J Hood, F A Hoskins, Mrs A S Oakley, Mrs M Tatton and D Thornevell were also present pursuant to Access to Information Rule No 23.

Virtual: Councillors D Harman, M R Rhodes and K S Tunstall 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 24/88 DECLARATIONS OF INTEREST

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

CB 24/89 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 8 July 2024 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 24/90 CAPITAL WORKS - CAR PARKS

Consideration was given to progressing a number of fast-track capital plan schemes to allow the implementation of the decisions taken by Cabinet on 30 April 2024 in respect of the new parking proposals throughout the borough.

The three schemes which were required to be transferred from List C to List A of the Capital Plan to enable the introduction of the new parking charges were as set out as follows:

- Bailey Bridge East Car Park Improvements, Aylesford;
- Introduction of Automatic Number Plate Recognition (ANPR); and
- Parking Amendments to Car Parks and On-Street Parking.

It was noted that a fast track capital plan evaluation had been completed for each of the above schemes, as set out in Annexes 1, 2 and 3, and a

more detailed project plan would be put together for each of the schemes to set out their respective milestones and timetables in due course.

Particular reference was made to implications for the blue badge holders following the implementation of ANPR enforcement and, in response to questions received and further clarification on the limitation of the technology, the Cabinet Member for Transformation and Infrastructure confirmed that arrangements would be made to enable residents with a blue badge to register their car for free parking in the car parks where ANPR would be introduced to provide access convenience to disabled vehicle users. This was supported by the Cabinet and other Members.

In addition, the benefits of introducing ANPR technology which supported both RingGo and cash payment methods and reflected charge based on actual length of stay were acknowledged. Contactless payment would continue to be investigated, although the challenge around internet connection requirement of the contactless payment machines was recognised.

In response to questions raised by Members on targets set for the schemes to enable measurement of success following implementation, it was explained that these would be set out in the detailed project plans, which would be subject to a post implementation review in 12 months' time to assess the impact of the schemes.

Due regard was given to the policy, financial and value for money considerations and the legal implications and the necessity to fast track the capital plan schemes to enable the implementation of the decisions within the financial year was acknowledged.

RECOMMENDED*: That

- (1) the three fast track capital schemes, shown in Annexes 1, 2 & 3, be transferred to List A of the capital planning this financial year to enable the introduction of new parking charges, subject to an amendment in respect of the Automatic Number Plate Recognition (ANPR) scheme (attached at Annex 2) to reflect that arrangements would be made to enable residents with a blue badge to register to park free of charge at the car parks where ANPR enforcement would be implemented;
- (2) capital funding of £530,000 for the capital works be met from the revenue reserve from capital schemes;
- (3) authority be granted to the Director of Central Services/Deputy Chief Executive to submit a planning application for the scheme in the Bailey Bridge East car park, Aylesford; and

- (4) revenue funding of £15,000 be included in the revised revenue estimates to appoint external consultants to assist in the design of the schemes.

***Recommended to Council**

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE NON-KEY DECISIONS

CB 24/91 JULY 2024 BUDGETARY CONTROL

(Decision Notice D240087CAB)

The report of the Director of Finance and Transformation presented Members with the current financial position to the end of July 2024 for the 2024/25 Financial Year, in accordance with the Borough Council's Financial Procedure Rules.

Since a revenue budget of £11,671,480 was set by the Council in February 2024, a number of Cabinet and committee decisions had been taken (as set out in Annex 1) with a net impact of a slight reduction of £3,192 on the revenue budget.

Budgetary Control Monitoring Statements for Salaries and Incomes to the end of July 2024 were attached for information at Annexes 2 and 3 respectively, which reflected an underspend of £69,750 against the current salary estimates proportioned to the end of July 2024 and an actual which was £26,345 less than the apportioned income estimate for the same period.

With regard to investment income, both Core and Cashflow funds were shown above the proportion of the original estimates due to continued high base rates which, however, were not anticipated to continue in the long term.

Areas identified as variations to the original estimate as of the end of May 2024 included service fee to the Tonbridge and Malling Leisure Trust, which was below the estimate thanks to the energy efficiency measures and savings, and expenditure on temporary accommodation, which was an overspend above the estimate due to higher than expected level of clients and increasing accommodation costs.

Furthermore, capital expenditure to the end of July 2024 was detailed in Annex 4.

With regard to the savings target as identified in the Medium Term Financial Strategy, Members acknowledged that challenge was still ahead in identifying options to close the overall funding gap of £1.7m

despite that the first tranche target of £305,000 to be achieved by April 2025 had already been exceeded. It was therefore suggested that options be invited from members of the three Scrutiny Select Committees and the Overview and Scrutiny Committee for evaluation, and this was supported by the Cabinet.

RESOLVED: That

- (1) as at the end of July 2024, a net favourable variance of circa £291,000 when compared to the proportion of the 2024/25 budget as shown in paragraph 1.6.1 be noted;
- (2) the potential issues surrounding the impact of the current client levels, cost of temporary accommodation and debt recovery within the revenue budget for Homelessness Accommodation be noted;
- (3) the current business rate pool position, as at the end of July 2024 as set out in paragraph 1.7.2, be noted;
- (4) the current spend on Capital Projects for 2024/25 be noted;
- (5) the current position of the Savings Target be noted; and
- (6) Members of the three Scrutiny Select Committees and the Overview and Scrutiny Committee be invited to propose options for evaluation in the forthcoming months to assist in bridging the current funding gap.

CB 24/92 TONBRIDGE RACECOURSE SPORTSGROUND MANAGEMENT PLAN CONSULTATION

(Decision Notice D240088CAB)

Consideration was given to recommendation CE 24/27 of the Communities and Environment Scrutiny Select Committee of 17 July 2024 in respect of the draft Tonbridge Racecourse Sportsground Management Plan.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations, the legal implications and noted the changes proposed to the draft Management Plan, with particular reference made to the representativeness of the Tonbridge Sports Association, which would be taken into consideration when consultation was to be undertaken for review of any management plans in the future.

RESOLVED: That

- (1) the proposed amendments to the draft Management plan, as set out in Annex 2, be approved, subject to amending the proposed responses in respect of footpaths and active travel to read 'unlikely to be realistic'; and
- (2) the draft Management Plan for Tonbridge Racecourse Sportsground 2024-28 (attached at Annex 3) be approved.

CB 24/93 RISK MANAGEMENT

(Decision Notice D240089CAB)

Consideration was given to recommendation AU 24/28 of the Audit Committee of 22 July 2024 in respect of risk management process and the Strategic Risk Register (SRR).

Cabinet had due regard to the views of the Committee, the financial and value for money considerations and the legal implications and noted that, as recommended by the consultant, following a review undertaken by the Management Team of all the risks contained within the SRR, a number of changes had been made to the current Register, including the deletion of some risks that were no longer felt to be strategic risks and the titles of some of the risks. The number of 'red' risks on the SRR remained to be 4 as set out below:

- Achievement of Savings and Transformation Strategy
- Failure to agree a Local Plan
- Implementation of the Agile software system
- Contract/Contractor Procurement

RESOLVED: That

- (1) the review undertaken by Management Team in streamlining the Strategic Risk Register, be noted; and
- (2) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as 'RED', be noted.

MATTERS SUBMITTED FOR INFORMATION

CB 24/94 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 24/95 NOTICE OF FORTHCOMING KEY DECISIONS

Notice of Forthcoming Key Decisions for September to October 2024 was presented for information.

CB 24/96 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 IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION****EXECUTIVE KEY DECISIONS****CB 24/97 LARKFIELD LEISURE CENTRE ROOF RE-FELT AND INSULATION UPGRADE TENDER**

(Decision Notice D240090CAB)

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

Following a formal tender and evaluation process, the report provided details of the tenders received for the roof re-felt and insulation upgrade works at Larkfield Leisure Centre and recommended an award of the contract.

Cabinet had due regard to the evaluation, the risk assessment, financial and value for money considerations and the legal implications and noted that the value of the successful tender was within the budget previously approved by Members. Any underspend on the final project would reduce the funding requirement from the Revenue Reserve for Capital Schemes. The proposed energy efficiency works to support the Council's Climate Change Strategy were highly welcomed by Members.

RESOLVED: That the contract for the re-felt and roof insulation upgrade works at Larkfield Leisure Centre be awarded to Acclaim Contracts Ltd.

CB 24/98 LOCAL AUTHORITY HOUSING FUND

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

The report presented details in respect of Round 3 of the Local Authority Housing Fund (LAHF) which, following a change in criteria and match funding arrangements, was now considered a suitable funding opportunity for the Borough Council. This grant opportunity would support the delivery of temporary accommodation and homes for use under the Afghan Citizens Resettlement Scheme.

A Memorandum of Understanding (attached at Annex 1) detailed the number of units to be delivered and the grant funding requirements.

Cabinet had due regard to the delivery approach presented, the risk assessment, policy, financial and value for money considerations and the legal implications.

RESOLVED: That

- (1) acceptance of the Local Authority Housing Fund Round 3 funding be approved;
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Director of Finance and Transformation and the Cabinet Member for Finance and Housing, to sign the Memorandum of Understanding (attached at Annex 1); and
- (3) the Director of Planning, Housing and Environmental Health liaise with the Director of Finance and Transformation, and relevant Cabinet Members, to enable the Borough Council to move forward with acquisition within the funds set out in the Capital Plan (as set out in (4) below) once a suitable property has been identified.

(Agreed by Cabinet under Decision Notice D240091CAB)

RECOMMENDED*: That

- (4) it be recommended to Full Council that the Capital Plan be updated to include an allowance of up to £400,000 (to be funded from Temporary Accommodation Reserve and/or s106 contributions) as the Borough Council's contribution to the Year 1 property acquisition.

***Recommendation to Council**

CB 24/99 HOUSING TEAM STAFFING

(Decision Notice D240092CAB)

(Reasons: LGA 1972 – Sch 12A Paragraphs 1 and 2 – Information relating to an individual and information likely to reveal the identity of an individual)

Consideration was given to proposals to extend a number of temporary staffing arrangements within the Housing Service whilst a review would be forthcoming to address these in the longer term, in response to recommendations made by a temporary accommodation/homelessness consultancy review.

Due regard was given to the policy, financial and value for money considerations and the legal implications and it was proposed that the extensions be funded from the balance of the homelessness reserve. There was a risk that if the current arrangements were not extended there would be an impact on service delivery which could lead to increased numbers of households in temporary accommodation.

RESOLVED: That

- (1) the extension of the four temporary Housing Allocation posts from 1 October 2024 until 31 March 2025 as set out in the report, be agreed;
- (2) the extension of the temporary Triage Officer agency arrangement from 1 October 2024 until 31 March 2025 as set out in the report, be agreed;
- (3) the extension of the temporary Move On Officer role from 1 October 2024 until 31 March 2025 as set out in the report, be agreed; and
- (4) the total cost of the above, as set out in the report, be funded from the homelessness reserve.

The meeting ended at 8.44 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 5th September, 2024

Present: Cllr M A J Hood (Chair), Cllr L Athwal, Cllr G C Bridge, Cllr J Clokey, Cllr A Cope, Cllr F A Hoskins, Cllr B A Parry, Cllr Stacey Pilgrim, Cllr M R Rhodes and Cllr K S Tunstall.

(Note: As Councillor D W King was unable to attend in person and participated via MS Teams he was unable to vote on any matters).

Apologies for absence were received from Councillors K Barton, A Mehmet and R W G Oliver.

PART 1 - PUBLIC

AP1 24/7 DECLARATIONS OF INTEREST

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

AP1 24/8 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 28 March 2024 be approved as a correct record and signed by the Chairman.

AP1 24/9 GLOSSARY AND SUPPLEMENTARY MATTERS

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. 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 24/10 TM/24/00806/PA - SMITH AND SONS BUILDERS YARD, 4
ORCHARD DRIVE, TONBRIDGE**

Redevelopment of the builders yard and residential garden land associated with no.4 Orchard Drive to provide 3 no. residential dwellings, including associated amenity, parking, landscaping, and other associated works.

Due regard was given to the determining issues detailed in the report of the Director of Planning, Housing and Environmental Health.

There was detailed discussion regarding the proximity of a number of houses to the proposed development. A proposal to refuse planning permission on the grounds of potential overbearing of the development on neighbouring properties on Croft Close due to the proposed height and extent of development adjacent to the boundary was lost following a formal vote.

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

- (1) delegated authority to the Director of Planning, Housing and Environmental Health to form the wording of an additional condition requiring the Applicant to submit details to and seek approval from the Local Planning Authority in respect of the slab levels of the proposed dwellings.

[Speakers: Ms E Thompson (on behalf of Ms S Briggs, a member of the public); and Mr Gregg Filmer (on behalf of the applicant)]

AP1 24/11 TM/24/00142/PA - 7 CASTLE STREET, TONBRIDGE

Conversion of ground floor commercial (Class E) to residential (Class C3) to form 3 residential units with additional windows (8-10 Bank Street and 7 Castle Street)

Due regard was given to the determining issues detailed in the report of the Director of Planning, Housing and Environmental Health.

During discussion, concern was raised regarding parking provision, pedestrian access, refuse storage and collection arrangements and lack of light into the premises.

RESOLVED: The planning permission be GRANTED in accordance with the submitted details, conditions and reasons set out in the report of the Director of Planning, Housing and Environmental Health.

[Speaker: Ms R Khan (on behalf of the Applicant)]

MATTERS FOR INFORMATION

AP1 24/12 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

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

AP1 24/13 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.39 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Wednesday, 11th September, 2024

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

In attendance: Councillors G C Bridge and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

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

An apology for absence was received from Councillor C J Williams.

PART 1 - PUBLIC

OS 24/30 NOTIFICATION OF SUBSTITUTE MEMBERS

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

- Councillor M Rhodes substituted for Councillor C Williams

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.

OS 24/31 DECLARATIONS OF INTEREST

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

OS 24/32 MINUTES

RESOLVED: That the Minutes of the ordinary and extraordinary meetings of the Overview and Scrutiny Committee held on 4 April 2024 and 22 April 2024 respectively be approved as a correct record and signed by the Chair.

MATTERS FOR CORPORATE MONITORING

OS 24/33 CORPORATE KEY PERFORMANCE INDICATORS

The report of the Chief Executive provided data on Key Performance Indicators (KPIs) that were aligned to the Corporate Strategy 2023 – 2027 and monitored on a quarterly or annual basis. The data provided related to the period up to the end of June 2024 and aimed to provide analysis about the performance of the Council and support its improvement.

Members noted a number of positive trends in respect of MyAccount registrations, MyTMBC app downloads, vacancy rates and Customer handling. Conversely, sickness absence (medically signed-off) had seen a negative trend, despite the fact that short-term sickness absence had improved this quarter, although Members were assured that there was no trend or pattern identified which would cause any concern at present. Furthermore, the Chief Executive indicated his in-principle support of benchmarking sickness absence performance and indeed other KPIs against high performing local authorities nationally, where comparable data was available, as a best practice to support continuous improvement of the Council. Further details on these trends were set out at 1.1.2 to 1.1.6 of the report.

Attention was drawn to a number of proposed amendments in respect of KPI reporting process going forward, as set out in 1.2.2 of the report, with a view to streamlining the process and driving improvement within the organisation. It was clarified that under the proposed new arrangement, KPIs would continue to be reported to Members via Overview and Scrutiny Committee followed by the Cabinet on a quarterly basis, with an additional annual portfolio holder report to be presented to each of the three Scrutiny Select Committees respectively. Particular reference was made to a proposed rationalisation by reducing the number of KPIs being monitored from the current 72 to around 50 in order that monitoring could focus on those that were most closely aligned to the Council's Corporate Strategy and would therefore best measure the Council's performance. A complete list of the current KPIs would be circulated to Members of the Committee to assist them with consideration and providing feedback in respect of the KPI rationalisation. These proposals were anticipated to be reported to a future meeting of the Cabinet.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 24/34 CONSULTANT USE AT THE COUNCIL

The report of the Chief Executive presented for Members' consideration the outcome of a review undertaken on the Council's use of consultants, with particular focus placed on the use of external expertise.

A summary of consultant use in Council services, where external expertise had been provided over the previous four financial years, was set out in Annex 2, where commendable practices and areas for further consideration by Members were highlighted. It was noted that some of the external support provided had resulted in cost savings and efficient project delivery, which would not have been possible without external experts.

During discussion, Members raised a number of questions over the use of consultants for certain projects, such as production of technical design for heat pump schemes at Larkfield Leisure Centre and Tonbridge Pool, reclaim of overpaid VAT in Leisure, treasury advice services, business support programme funded by UK Shared Prosperity Fund, waste consulting services, the development of a Borough Green Gardens brief and the project design and construction management of the eco café at Leybourne Lakes Country Park. Where possible responses were provided by Officer with further background information and positive outcomes achieved from these projects, whereas for questions that were unable to be responded to during the meeting, Members were advised to send in their questions for specific projects so that a follow up report could be prepared and presented to a future meeting of the Committee.

While recognising the difficulty and challenge in recruiting and retaining qualified and skilful staff in a number of service areas and supporting specialist resource sharing options to be explored with neighbouring local authorities, Members expressed their desire for a higher level of oversight on procurement process and post implementation value for money evaluation, and therefore proposed a threshold to be set on consultancy spend in order that any project in excess of a certain limit could be reported to the relevant committee or scrutiny select committee for consideration and approval. This proposal was supported by the Committee.

Having due regard to the financial and value for money considerations and the legal implications, Members acknowledged the benefits of engaging external expertise for certain project based works and sought further engagement in overseeing the Council's approach to future use of external experts while exploring collaboration opportunities with other local authorities and minimising the need for external consultancy going forward.

RECOMMENDED*: That

- (1) the information provided in the summary of consultancy spend at Annex 2, be noted;
- (2) further detail about consultancy spend on specific projects be provided to a future meeting of the Committee, with questions to be provided in writing to Officers to enable responses to be prepared;

- (3) the Council be requested to continue to closely manage future use of external experts and an ongoing review of consultant use at the Council be reported to the Overview and Scrutiny Committee on an annual basis;
- (4) officers be requested to continue to look for opportunities to collaborate with other councils;
- (5) the Council maintain its effectiveness at retaining specialist talent, to reduce the need for external experts going forward; and
- (6) any proposed consultancy spend in excess of £40,000 be reported to the relevant committee or scrutiny select committee for consideration and approval.

***Recommended to Cabinet**

MATTERS FOR DECISION UNDER DELEGATED POWERS

OS 24/35 SCOPING REPORT - REVIEW OF TONBRIDGE COMMUNITY FORUM

The Committee considered the scope of a potential review into the Tonbridge Community Forum in relation to its operation, the frequency, format and venue of its meetings and the criteria for joining the membership of the Forum.

Whilst welcoming the review as requested by the former Chair of the Tonbridge Community Forum, Members noted the potential capacity issues within Democratic Services and financial implications if additional meetings were to be added to the approved meeting programme of the Council and/or if more meetings were to be held in person and/or to be livestreamed. In general, Members felt the current frequency of the meetings to be reasonable, however, they were keen to review the venues where the meetings could be held in person with PA (Public Address) system facilities readily available, including the layout of the meeting room, in order that more local communities and residents could be encouraged to attend the meetings and contribute to the discussion.

Particular attention was drawn to a draft Application Form for the Forum, attached at Annex 1, and it was suggested that a survey could be undertaken to gather the views of the local communities so that their comments could also be taken into consideration as part of the review process.

Furthermore, Members supported that a similar review be undertaken for the Parish Partnership Panel, with particular reference made to the room layout for the meetings of the Panel. Suggestions about review of the Panel were invited to be sent to Officers for investigation.

RESOLVED: That

- (1) a review be undertaken on the frequency, format and criteria issues in respect of the Tonbridge Community Forum as identified in section 1.2 of the report, with further investigation to be made into associated costs of venues and staff resourcing issues; and
- (2) a review of the Parish Partnership Panel be undertaken alongside the review of the Tonbridge Community Forum, with options to be presented at the next meeting of the Overview and Scrutiny Committee.

MATTERS FOR INFORMATION**OS 24/36 REVIEW AND PROCUREMENT OF IT SYSTEMS**

The report of the Director of Finance and Transformation set out the approach the Council adopted in reviewing and procuring IT systems and contracts.

It was noted that the corporate process for review and procurement was followed for all projects and renewals across the Council to ensure consistency with a view to achieving the most competitive and effective solution. The key benefits of the procurement policies and the system reviews were set out in 1.2.3 of the report. It was however highlighted that a minority of systems provided by Kent County Council, central government agencies and other partners as part of the wider service provision were outside of the IT infrastructure managed by the Council's IT services, therefore the Council had no direct management of the system procurement or performance.

In addition, Members were assured that all procurements of IT systems were in compliance with the government procurement legislation and the Council's current procurement policy/ purchasing guide (Annex 2), and it was noted that the Council's procurement guidelines were currently being reviewed by the Mid-Kent Procurement Partnership for an update, alongside the development of a new procurement strategy. Members further noted that procurement training was being arranged for relevant staff members across the Council.

During discussion, particular reference was made to the implementation of the Agile system primarily used in Planning, Land Charges and other public protection services and the Huume system in Housing services for the housing register work. It was acknowledged that replacement of a major service system at a council involved not only business change but also cultural shift and therefore required significant commitment and time to embed.

In summary, Members welcomed a review report on IT systems, including cost information, to be presented to the Committee on a yearly basis to ensure Member oversight, given the increasingly important role technology would play in the operation of the Council.

OS 24/37 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 between 1 April 2023 to 31 March 2024 and the outcome of those complaints.

Reference was made to the ongoing review of the Borough Council's approach to complaint handling in light of the new Complaint Handling Code published by the Ombudsman in February 2024 and it was noted that a new complaint policy would be presented to Members for approval in due course.

OS 24/38 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE

The decisions taken by the Cabinet and Cabinet Members during April to August 2024 were presented for information and noted by the Committee.

OS 24/39 WORK PROGRAMME

The Work Programme setting out potential matters to be scrutinised during 2024/25 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

OS 24/40 IDENTIFICATION OF SAVING OPTIONS

Following discussion at Cabinet on 3 September 2024, Members of the three Scrutiny Select Committees and the Overview & Scrutiny Committee were invited to propose options for evaluation in the forthcoming months to assist in bridging the current funding gap identified in the Medium Term Financial Strategy.

The Chair invited Members of the Committee to propose options outside of the meeting.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 24/41 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.55 pm
with a break between 9.04 pm and 9.09 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

FINANCE, REGENERATION AND PROPERTY SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 17th September, 2024

Present: Cllr D Harman (Chair), Cllr A Mehmet (Vice-Chair), Cllr T Bishop, Cllr P Boxall, Cllr C Brown, Cllr R I B Cannon, Cllr J Clokey, Cllr B A Parry, Cllr R W G Oliver (substitute), Cllr M R Rhodes and Cllr C J Williams.

Cllrs K B Tanner, R P Betts, M A J Hood, M D Boughton and M A Coffin* were also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams)

Apologies for absence were received from Councillors L Athwal, W J Mallard and W E Palmer.

PART 1 - PUBLIC

FRP 24/9 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr Oliver substitute for Cllr Athwal

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 24/10 DECLARATIONS OF INTEREST

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

However, for reasons of transparency Cllr Clokey reminded Members that in relation to agenda item 8 (Budgetary Control) he was employed by one of the companies who managed a multi asset fund which the Borough Council had invested in and was referenced in the report. As this did not represent either a Disclosable Pecuniary or Other Significant Interest there was no reason for Cllr Clokey to withdraw from the meeting.

FRP 24/11 MINUTES

RESOLVED: That the notes of the meeting of the Finance, Regeneration and Property Scrutiny Select Committee held on 12 March 2024 be approved as a correct record and signed by the Chair.

MATTERS FOR CORPORATE MONITORING

FRP 24/12 CORPORATE KEY PERFORMANCE INDICATORS

The report of the Chief Executive provided data on Key Performance Indicators (KPIs) that were aligned to the Corporate Strategy 2024-2027 and monitored on a quarterly basis. The data provided related to the period up to the end of June 2024 and aimed to provide analysis about the performance of the Borough Council and support its improvement.

Members noted a number of positive trends in respect of outstanding debt, unemployment, leisure centres and progress on the Tonbridge Town Centre Regeneration Project and the UK Shared Prosperity Fund. Conversely, income monitoring data showed that in Quarter 1 income was below profile.

Particular reference was made to the importance of regularly reviewing processes and data in respect of performance management to ensure that they were fit for purpose in supporting improvement within the organisation. Consideration would be given to streamlining the reporting process for KPIs, reducing the number of KPIs reported with a focus on those that most closely aligned to the Corporate Strategy and best measured performance and introducing an annual portfolio holder report at Scrutiny Select Committees setting out achievements, challenges and future plans.

Concern was expressed that changes to the reporting of performance management could lead to Members having less oversight of the current position. The Chair committed to requesting that specific KPIs be retained if Members of the Committee set their preferences out in writing. There was also a commitment to share the complete list of current KPIs to assist Members in identifying those indicators they wished to retain.

Finally, there was a request to include targets as well as indicators of trends in the report to better illustrate the progress/position of the Borough Council. There was also a commitment to improve accessibility by including shapes to show upward and downward trends.

RESOLVED: That the positive and negative trends as set out in the report be noted.

MATTERS FOR RECOMMENDATION TO THE CABINET

FRP 24/13 CUSTOMER CONTACT CENTRE - ENHANCED FACILITIES

(Decision Notice D240095MEM)

Consideration was given to a proposal to enable automated webchat as an enhancement to the current Customer Contact system. The licences to enable this function could be funded from the Transformation Reserve.

Due regard was given to a detailed evaluation of the Anywhere365 Webchat and Bot Integration Project as set out in Annex 1.

It was anticipated that the enhanced facility would support the increasing expectations of customers for services 'out of hours' and free up staff time to deal with more complex calls from potentially more vulnerable and older residents.

In addition, it was recognised that there was potential for efficiency savings following the initial settling in period and further consolidation of other service areas into the centralised Contact Centre under the "One Council" ethos.

Members recognised that the introduction of automated webchat was an enhancement to the existing service and was not intended as a replacement to an in-person service. It was also noted that the webchat functionality would be accessed through the Borough Council's website that was built on Microsoft Azure secure-by-design infrastructure.

***RECOMMENDED:** That

- (1) the automated webchat functionality be enabled through the Customer Contact system; and
- (2) the cost of £9,408 for the additional Anywhere365 licences (until the end of the Anywhere365 contract) be funded from the Transformation Reserve.

***Decision of Cabinet Member for Finance and Housing**

MATTERS SUBMITTED FOR INFORMATION

FRP 24/14 JULY 2024 BUDGETARY CONTROL

Members received information on the current financial year position to the end of July 2024 and the position related to savings achieved since the budget was set in February 2024. The Director of Finance and Transformation was pleased to report an overall positive position and

that good progress was being made on identifying savings with the target of £305,000 to be achieved by April 2025 exceeded by circa £515,000 (based on full year effect).

However, particular reference was made to homelessness and temporary accommodation spend and Members were warned that if the client levels, cost of TA and debt recovery were to continue at the current levels until the end of the financial year without any mitigating intervention the overspend against the agreed budget would be in the region of £665,000. A number of strands were in progress to try to mitigate these costs. Members were also advised that the current significant costs of TA were being countered by the good performance of the Borough Councils investment and treasury funds.

Details of salary, income and investment income monitoring to end of July 2024 was set out in the report and noted by Members.

There was in-depth discussion on potential reasons for increasing homelessness and an acknowledgement that one of the ways to mitigate costs around temporary accommodation would be for the Borough Council to purchase, or have access to, its own properties.

Disappointment was also expressed at the delay of the Valuation Office in assessing the business rates values of some properties on the Panattoni Park. However, notification had recently been received confirming rateable values and this would be factored into future monitoring reports to Members.

Finally, it was noted that the Medium Term Financial Strategy was in the process of being reviewed and updated. The Director of Finance and Transformation would provide an update at the next meeting of the Scrutiny Select Committee following a report to Cabinet.

FRP 24/15 IDENTIFICATION OF SAVING OPTIONS

Members were invited to propose options for evaluation to assist in bridging the current funding gap identified in the Medium-Term Financial Strategy. Any proposals would be evaluated in the coming months as part of the budget setting process.

It was agreed that any ideas should be emailed to the Chair in the first instance.

FRP 24/16 WORK PROGRAMME 2024/25

The Work Programme setting out matters to be scrutinised during 2024/25 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 24/17 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.28 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 18th September, 2024

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 Mrs T Dean, Cllr D Harman, Cllr S A Hudson, Cllr J R S Lark, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor

In attendance: Councillor D Thornewell was also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP2 24/25 DECLARATIONS OF INTEREST

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

AP2 24/26 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 7 August 2024 be approved as a correct record and signed by the Chairman.

AP2 24/27 GLOSSARY AND SUPPLEMENTARY MATTERS

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

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

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

**AP2 24/28 TM/24/00138/PA - LAND NORTH AND EAST OF TREE HOUSE,
YOPPS GREEN, PLAXTOL, SEVENOAKS**

Installation of ground mounted solar array on adjacent field for domestic energy supply at the residential dwelling

Due regard was given to the determining issues and conditions as detailed in the report of the Director of Planning, Housing and Environmental Health, with particular reference made to a proposal from Members for a strengthened landscaping condition in respect of the planting and maintenance of native and mature hedges along the site boundaries, including an additional requirement on a minimum height of the hedges to be maintained in order to protect and enhance the appearance of the site and locality being situated within the Green Belt and the Kent Downs National Landscape.

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

- (1) an amended Condition 3 in the report to reflect a more detailed and strengthened landscaping requirement in respect of the native species of the hedges, location to be planted and a minimum height of the hedges to be maintained at no less than 2.5m above natural ground level throughout the 10 years of maintenance; and
- (2) final wording of the amended Condition 3 and, if deemed appropriate, an additional condition in order to reflect the strengthened requirements on the landscaping, being delegated to the Director of Planning, Housing and Environmental Health to agree and to be confirmed as set out in the Decision Notice to be published by the Planning Services of the Borough Council.

[Speakers: Cllr M Crane (on behalf of Plaxtol Parish Council) and Mr J Robinson (member of the public) addressed the Committee in person.]

**AP2 24/29 TM/22/01570/OA - LAND NORTH EAST AND SOUTH OF 161
WATERINGBURY ROAD**

Outline Application: All matters reserved except for access for the erection of up to 52 residential dwellings, including affordable housing, open space and landscaping, roads, parking, drainage and earthworks. New access to be formed from Wateringbury Road

After careful consideration of the points raised by the speakers and the submitted details and conditions set out in the main and supplementary reports of the Director of Planning, Housing and Environmental Health, Members expressed significant concern in respect of the lack of assessment of potential impact of the proposed development on the surrounding listed buildings and non-designated heritage assets and the East Malling Conservation Area, with no regard having been given to the East Malling Village Conservation Area Appraisal in the report.

In order for a report from the Conservation and Case Officer to be prepared to assist Members of the Committee in making an informed decision, a deferment was therefore proposed and subsequently agreed by Members to enable the matter to be reported back for consideration at a future meeting of the Committee.

RESOLVED: That the planning application be DEFERRED to enable a Conservation and further Case Officer report to be prepared in order to assess the impact of the proposed development on the East Malling Conservation Area and surrounding listed buildings and non-designated heritage assets, with due regard to be given to the East Malling Village Conservation Area Appraisal.

[Speakers: Mr M Crowcroft, Ms F Reynolds, Mr J Colvile, Ms F Saunders, Mr J Allen, Mrs N Allen, Ms D Thomas, Mr M Page and Mr S Brett (members of the public) and Mr A Wilford (agent on behalf of the Applicant) addressed the Committee in person.]

AP2 24/30 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 24/31 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.42 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

MINUTES

Monday, 23rd September, 2024

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

Virtual: Councillors M D Boughton, S A Hudson, 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.

PART 1 - PUBLIC

AU 24/35 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute members.

AU 24/36 DECLARATIONS OF INTEREST

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

AU 24/37 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 22 July 2024 be approved as a correct record and signed by the Chairman.

AU 24/38 LOCAL AUTHORITY PROPERTY FUND

Members received a presentation from Kelly Watson, Head of Local Government Relationships for CCLA on the Local Authority Property Fund. CCLA was a commercial private limited company and its clients were owners indirectly through their investments. Particular reference was made to property investment returns since 1996, the outlook of UK interest rates, a comparison of property to other asset classes in terms of income return and growth and capital growth.

In terms of the Local Authority Property Fund, Members noted the asset allocation, tenant quality, historical distributions and discrete performance of the fund.

MATTERS FOR RECOMMENDATION TO THE CABINET**AU 24/39 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW
2024/25**

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 2024/25 was also included in the report.

A full list of investments held on 31 July 2024 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, £991,640 was earned in interest to the end of July, which was higher than the original estimate for the same period. The increase reflected the interest rate having been maintained at 5.25% for longer than anticipated, providing the Council with favourable investment opportunities. During the period 1 April 2024 to 30 June 2024, the £4.22m investment in property funds generated dividends of £40,320 which represented an annualised return of 3.21%, compared to 3.63% in 2023/24.

The Lothbury Property Trust had been terminated on 30 May 2024 after negotiations to merge the fund were unsuccessful. To date, the Council had received three payments totalling £853,850 of its initial investment. The remaining assets were expected to be sold by December 2024. Distributions would be made as and when assets sales had concluded, and dividends paid from income generating assets.

Members were advised that the Council had operated within the treasury limits and prudential indicators set out in the Annual Investment Strategy and in compliance with the Council's Treasury Management Practices and the Prudential and Treasury Indicators were attached at Annex 4 to the report.

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. However, future consideration would be given to the inclusion of borrowing and debt rescheduling in anticipation of the future needs of the Council.

RECOMMENDED*: That the following be commended to Council:

- (1) the action taken in respect of treasury management activity for the period April to July 2024 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 24/40 RISK MANAGEMENT

The report of the Management Team provided an update on the risk management process and the Strategic Risk Register (SRR). An update in respect of the Zurich Risk Management Review which was presented to Members in January 2024 was also provided. The SSR was considered to be a 'live' document and was updated, as often as was required, by the Management Team.

In July 2024, there were 4 risks categorised as 'red' as summarised below:

- Achievement of Savings and Transformation Strategy
- Failure to agree a Local Plan
- Implementation of the Agile software system
- Contract/Contractor Procurement.

Members were advised at the last meeting that Management Team had undertaken a review of all the risks contained within the Strategic Risk Register with a view to achieving a more streamlined version, highlighting only the strategic risks to the Council over the one to two year horizon.

The 'red' risks continued to be:

- Achievement of Savings and Transformation Strategy
- Failure to agree a Local Plan
- Implementation of the Agile software system
- Contract/Contractor Procurement.

During discussion, the Chair reminded Members that they could request the lead officer for each 'red' risk to attend a meeting of the Audit Committee. Members expressed an interest in hearing about the risks associated with failure to deliver a Local Plan.

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

The findings of the Risk Management Health Check undertaken by Zurich Risk Management had been reported to the Audit Committee in January 2024. An update on the progress in addressing the recommendations identified for improvement were set out in Annex 3 of the report. Consideration had been given to a process for increasing visibility of risks across services and the Director of Finance and Transformation had been designated as the officer Risk Champion. In terms of a Member Risk Champion, it was agreed that this falls within the purview of the Chair of the Audit Committee as their responsibility was to oversee risk management.

RECOMMENDED*: That

- (1) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as RED, be noted;
- (2) the lead officer for the Local Plan be requested to attend the next meeting of the Audit Committee should the risk remain RED;
- (3) the progress towards the delivery of recommendations from the Zurich Risk Management Review, be noted; and
- (4) the Chair of the Audit Committee be appointed as the Member 'Risk Champion'.

Referred to Cabinet*AU 24/41 PROGRESS WITH RECOMMENDATIONS FROM AUDITOR'S ANNUAL REPORT (VALUE FOR MONEY) 2022/23**

The report of the Management Team provided an update on the progress in addressing the recommendations made in the 2022/23 Auditor's Annual Report.

On 25 September 2023, the Committee received a copy of the Auditor's Annual Report for 2022/23 and noted that two significant weaknesses had been identified by Grant Thornton relating to performance management and procurement under the heading 'Improving economy, efficiency and effectiveness'.

In addition to the recommendations made in respect of the two significant weaknesses, Grant Thornton also made four improvement recommendations. These related to transformation, workforce strategy, the re-formatting of the Strategic Risk Register and the integration of financial reporting and performance data. A list of key recommendations and improvement recommendations was attached at Annex 1 to the report.

RECOMMENDED*: That

- (1) Annex 1 to the report be reviewed and, if appropriate, any further updates provided, be incorporated; and
- (2) the actions and commentary set out in Annex 1 to the report, be endorsed.

***Referred to Cabinet**

AU 24/42 LOCAL AUDIT BACKLOGS - NATIONAL TIMETABLE

The report of the Director of Finance and Transformation provided an update on the timetable for audits following receipt of a letter from the new Minister of State for Housing, Communities and Local Government, Jim McMahon CBE, attached at Annex 1 to the report. Members noted that the Minister intended to lay secondary legislation when parliamentary time allowed to provide backstop dates as detailed in paragraph 1.2.2 of the report.

RESOLVED: That the slight change to the timetable for backstop dates for the sign off of local authority accounts, be noted.

MATTERS SUBMITTED FOR INFORMATION**AU 24/43 INTERNAL AUDIT AND COUNTER FRAUD UPDATE**

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

AU 24/44 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 2023/24 accounts and updated on emerging national issues and developments from the external auditor Grant Thornton.

AU 24/45 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 24/46 INSURANCE CLAIMS HISTORY**

(LGA 1972 Sch 12A Paragraph 3 – Financial or 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 2024.

The meeting ended at 9.35 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 24th September, 2024

Present: Cllr D A S Davis (Chair), Cllr D W King (Vice-Chair), Cllr Mrs S Bell, Cllr G C Bridge, Cllr R I B Cannon (substitute), Cllr P M Hickmott, Cllr M A J Hood, Cllr S A Hudson, Cllr A Mehmet, Cllr R W G Oliver, Cllr W E Palmer, Cllr R V Roud and Cllr D Thornewell.

Cllrs A G Bennison, R P Betts*, M D Boughton*, M A Coffin*, S Crisp*, F A Hoskins, D Keers*, Mrs A S Oakley, K B Tanner and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams).

Apologies for absence were received from Councillors S M Hammond

HP 24/28 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr R Cannon substitute for Cllr S Hammond

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 24/29 DECLARATIONS OF INTEREST

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

HP 24/30 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 21 May 2024 be approved as a correct record and signed by the Chair.

MATTERS FOR CORPORATE MONITORING

HP 24/31 CORPORATE KEY PERFORMANCE INDICATORS

The report of the Chief Executive provided data on Key Performance Indicators (KPIs) that were aligned to the Corporate Strategy 2024-27 and monitored on a quarterly basis. The data provided related to the

period up to end of June 2024 and aimed to provide analysis about the performance of the authority and support its improvement.

Members noted positive trends in respect of affordable housing and major planning application deadlines. There were also areas that continued to be challenging particularly the delivery of the new Local Plan, demand for temporary accommodation and minor planning application deadlines.

Particular reference was made to the challenges in achieving a five-year housing land supply as a result of Government proposals to change the methodology. There were also challenges in dealing with minor planning applications since the introduction of Biodiversity Net Gain and the requirement to secure funding for monitoring would further impact on the delivery of such schemes.

Finally, there was discussion on the potential reasons for the increasing use of temporary accommodation. Although it was indicated that the number of people in temporary accommodation in Tonbridge and Malling wasn't as significant as other areas it might be necessary for the Borough Council to consider a different approach. The Committee supported the suggestion of an additional KPI to assist Members in monitoring the amount of time individuals were in temporary accommodation.

RESOLVED: That the positive and negative trends as set out in the report be noted.

MATTERS SUBMITTED FOR INFORMATION

HP 24/32 IMPLICATIONS OF THE PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM CONSULTATION

Members were provided with an update on the Government consultation on proposals to revise the National Planning Policy Framework (NPPF) intended to achieve sustainable growth in the planning system.

Whilst the consultation principally related to the supply of land to boost housing it also sought views on a series of wider policy proposals related to increasing planning fees, local plan intervention criteria and appropriate thresholds for certain Nationally Significant Infrastructure Projects. The consultation also set out how and when it was expected for every Local Planning Authority to create a clear, ambitious local plan for high quality housebuilding and economic growth.

The deadline for responses to be submitted was 24 September 2024 and the Borough Council's consultation response was set out at Annex 1. The Cabinet Member for Planning had taken decision D240094MEM

on 16 September 2024 to enable the response to be submitted by the consultation deadline. This decision was the subject of a call-in and would be reviewed by the Overview and Scrutiny Committee on 26 September 2024. In the meantime, the Department of Housing, Communities and Local Government had extended the deadline for submissions to be endorsed by Members to 30 September 2024.

A detailed summary of the consultation document, taking into account the revisions made as set out in the draft NPPF, was provided in Annex 2. The main implications of the proposed revisions to the NPPF were outlined in Annex 3.

Attention was drawn to the headline proposed changes and implications outlined in the report and there was in-depth discussion on the detail set out in Annexes 1 – 5.

Members expressed significant concern at the introduction of a new standard method calculation formula, the uplift in housing need requirements for Tonbridge and Malling from 820 to 1057 dwellings per annum (an increase of 237 dwellings per annum), the 20% buffer that would apply given that the Borough Council did not currently have a 5-year housing supply and the significant cost implications.

Concern was also expressed in respect of green and grey belt proposals, the weakening of the 'very special circumstances' requirement to enable development in the green belt, the removal of 10% provision of affordable housing on major developments, the increased importance of the Duty to Co-operate and implications for the Local Plan timetable and final submission. In addition, Members welcomed the potential for cost recovery if planning fees were increased. However, budgetary proposals would come forward once the revised NPPF was published.

Finally, it was reported that Government had committed to publishing a new NPPF by the end of the year and a Local Plan would need to be submitted no later than December 2026. To date the Borough council had progressed a considerable amount of evidence and as a result of a new NPPF it would be necessary to consider and review the work undertaken to ensure it aligned with the new planning framework. This would include a new call for sites exercise. A further update on evidence base requirements would be provided at the next meeting of the Housing and Planning Scrutiny Select Committee, subject to a revised NPPF being published in good time.

Members noted:

- The Tonbridge and Malling Borough Council response to the Government's 'Proposed Reforms to the National Planning Policy

Framework and other changes to the Planning System Consultation' (attached at Annex 1);

- The potential implications of a revised NPPF on the Borough Councils plan-making process and timetable; and
- The items (as set out in 1.7 of the report) to be brought to a future meeting of the Housing and Planning Scrutiny Select Committee, dependant on the timing of the publication of a revised NPPF.

(A summary of Member comments raised and the responses provided at the meeting was set out in an Annex to the Minutes).

HP 24/33 IDENTIFICATION OF SAVING OPTIONS

Members were invited to propose options for evaluation to assist in bridging the current funding gap identified in the Medium-Term Financial Strategy. Any proposals would be evaluated in the coming months as part of the budget setting process.

It was agreed that any ideas should be emailed to the Chair in the first instance. The potential for increased planning fees arising from a new National Planning Policy Framework was noted.

HP 24/34 WORK PROGRAMME 2024/25

The Work Programme setting out matters to be scrutinised during 2024/25 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

HP 24/35 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.15 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

MINUTES

Wednesday, 25th September, 2024

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 D W King, Cllr R W G Oliver and Cllr K S Tunstall

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

Apologies for absence were received from Councillors M Taylor, D Thornewell and R V Roud.

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

PART 1 - PUBLIC

LA 24/7 DECLARATIONS OF INTEREST

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

LA 24/8 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 26 March 2024 be approved as a correct record and signed by the Chairman.

LA 24/9 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 8 May 2024 be received and noted.

DECISIONS UNDER DELEGATED POWERS

LA 24/10 GAMBLING ACT 2005 - REVISED STATEMENT FOR PRINCIPLES FOR GAMBLING

The report of the Director of Central Services and Deputy Chief Executive asked Members to approve the draft Statement for Principles for Gambling for consultation.

The Council's current Statement of Principles (Policy) for the Gambling Act 2005 took effect from 1 May 2022 and would run until 30 April 2025. The proposed Policy was due for publication on 30 April 2025 and would be consulted upon for thirteen weeks from 1 October 2024 until 31 December 2024. The draft policy for 2025-28 was attached at Annex 1 to the report and a copy of the feedback form for the Policy was attached at Annex 2.

RESOLVED: That the draft Gambling Statement of Principles 2025-2028 be approved for consultation.

LA 24/11 DISCUSSION - SAFETY OF WOMEN WHEN TAKING A TAXI OR PRIVATE HIRE JOURNEY

Following concerns raised regarding public reports over the experiences of women whilst taking a taxi from Waterloo Taxi Stand in Tonbridge, the Licensing and Appeals Committee agreed to hold a discussion on the safety of women taking a taxi or private hire journey. Examples of concerns reported were attached at Annex 1 to the report.

Members were advised that when Licensing Services received a complaint or concern about a taxi driver, vehicle or journey, many complainants did not recall the taxi or private hire vehicle plate number which was the subject of the complaint. To help in identifying the vehicle involved, it was proposed that door signs be introduced.

During discussion, Members welcomed the introduction of door signs and suggested that the sign include a QR code which directed the user to the complaint page on the Council's website. Furthermore, it was suggested that reconsideration be given to the mobile App.

RESOLVED: That the introduction of door signs as shown at Annex 3 to the report, be approved.

LA 24/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.55 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 26th September, 2024

Present: Cllr Mrs A S Oakley (Chair), Cllr L Athwal (Vice-Chair), Cllr A Cope, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D W King, Cllr W E Palmer, Cllr D Thornewell, Cllr C J Williams, Cllr Mrs S Bell (substitute), Cllr A Mehmet (substitute) and Cllr M R Rhodes (substitute)

In attendance: Councillors A G Bennison and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors R P Betts, M A Coffin, Stacey Pilgrim, K B Tanner and Mrs M Tatton participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors R I B Cannon (Vice-Chair), T Bishop, C Brown and K S Tunstall.

PART 1 - PUBLIC

OS 24/42 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor S Bell substitutes for Councillor C Brown
- Councillor A Mehmet substitutes for Councillor K Tunstall
- Councillor M Rhodes substitutes for Councillor R 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 24/43 DECLARATIONS OF INTEREST

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

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 24/44 CALL-IN OF DECISION D240094MEM - RESPONSE TO PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF) AND OTHER CHANGES TO THE PLANNING SYSTEM CONSULTATION

The report of the Scrutiny Officer advised that in accordance with the Overview and Scrutiny Committee Procedure Rule 15 (c) as set out in Part 4 of the Constitution, five members of the Committee had raised a valid 'call-in' request in relation to the decision taken by the Cabinet Member for Planning in respect of the Borough Council's response to the Government's consultation on 'Proposed Reforms to the National Planning Policy Framework (NPPF) and other changes to the Planning System'.

Decision Notice D240094MEM (attached at Annex 1 to the report) had been published on 16 September 2024 and was subsequently called-in by Councillors Hood, Cope, Hickmott, Hoskins and Thornewell. In the meantime, the Department of Housing, Communities and Local Government had extended the deadline for submissions to be endorsed by Members to 30 September 2024.

The grounds for call-in were set out in the report, at paragraph 1.2.1, and the decision was 'deferred' pending consideration by the Overview and Scrutiny Committee.

It was noted that at the meeting of the Housing and Planning Scrutiny Select Committee on 24 September 2024, Members expressed significant concerns in respect of a number of proposed revisions to the NPPF regarding the uplift in housing need requirements in Tonbridge and Malling and the green and grey belt proposals, however, no changes to the consultation response had been suggested by the Housing and Planning Scrutiny Select Committee.

Members of the Overview and Scrutiny Committee considered the grounds for the call-in and had regard to the responses provided by the Cabinet Member for Planning (Councillor M Taylor) and the views of the Housing and Planning Scrutiny Select Committee of 24 September 2024.

Members appreciated the tight timetable to enable Officers to prepare the draft response to the consultation in order to meet the original submission deadline of 24 September 2024, however, they reflected on the lack of sufficient communication and engagement with Members in general throughout the consultation process given the significant implications of the proposals for the borough and its residents. It was hoped that consideration could be given to better communication with Members for engagement and input going forward.

After an in-depth discussion and a formal vote, the Overview and Scrutiny Committee recommended that Cabinet Member Decision No. D240094MEM be revised to reflect an amendment to the response to Question 73 of the consultation in respect of making installation of solar panels mandatory by developers for all new housing, which was proposed by Councillor D Thornewell, seconded by Councillor F Hoskins and agreed by the Overview and Scrutiny Committee.

RECOMMENDED*: That

- (1) the Borough Council's response to Question 73 of the consultation on 'Proposed Reforms to the National Planning Policy Framework and other changes to the Planning System' be amended to reflect that installation of solar panels by developers be made mandatory for all new housing, to enable a revised response to be submitted to the Ministry of Housing, Communities and Local Government within the extended submission deadline of 30 September 2024.

***Recommended to Cabinet Member for Planning**

MATTERS FOR CONSIDERATION IN PRIVATE

OS 24/45 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm
having started at 7.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Climate Change, Regeneration and Property	Decision Number: D240067MEM
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Date: 19 June 2024

Decision(s) and Reason(s)
UK SHARED PROSPERITY FUND YEAR 2 OVERVIEW AND YEAR 3 UPDATE
Following consideration of the options the Cabinet Member for Climate Change, Regeneration and Property RESOLVED that: (1) the report BE NOTED; (2) the contingency arrangements set out in this covering report BE AGREED; and (3) any further minor amendments to the Investment Plan required for the purposes of ensuring delivery of the UKSPF Programme BE DELEGATED to the Strategic Economic Regeneration Manager.
Reasons for decision: The UKSPF Programme is made up of a number of socio-economic projects aimed at benefitting the local community and businesses. To date, 100% of the budget in Years 1 and 2 of the programme have been successfully spent. Whilst it is currently not foreseen that any of the projects will underspend in Year 3, this report seeks to establish agreement on the distribution of any potential underspend at this early stage as part of the contingency planning for the programme as a whole.

Signed Cabinet Member for Climate Change, Regeneration and Property:	R Betts
Signed Deputy Leader:	M Coffin
Signed Interim Chief Executive:	Adrian Standfield
Date of publication:	20 June 2024

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance and Housing	Decision Number: D240068MEM
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Date: 26 June 2024

Decision(s) and Reason(s)
APPLICATIONS FOR DISCRETIONARY RATE RELIEF
Following consideration of two applications for discretionary rate relief, the Cabinet Member for Finance and Housing RESOLVED that: (1) in respect of the new application for SWORDE-Teppa Books, 142 High Street, Tonbridge, Kent, TN9 1BB, 20% discretionary rate relief be awarded from 1 August 2023 and time limited to 31 March 2025. (2) in respect of the new application for Thrive EIS, 1st Floor Douglas House, 4 Quarry Hill Road, Tonbridge, Kent, TN9 2RH, 20% discretionary rate relief be awarded from 3 June 2024 and time limited to 31 March 2025.
Reasons for decision: (1) an award of 20% discretionary rate relief seems appropriate as it will help keep this local bookshop running and help the organisation's charitable projects benefitting many thousands of local and international beneficiaries. (2) an award of 20% discretionary rate relief seems appropriate for the services they provide, namely providing free support services to young people, children and parents in Tonbridge.

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Deputy Leader:	M Coffin
Signed Interim Chief Executive:	A Stanfield
Date of publication:	26 June 2024

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance and Housing	Decision Number: D240069MEM
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Date: 26 June 2024

Decision(s) and Reason(s)
APPLICATION FOR REMOVAL OF COUNCIL TAX EMPTY PROPERTY PREMIUM CHARGE
(Reason: LGA 1972 Sch 12A Paragraph 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information))
Following consideration of an application for discretionary relief, the Cabinet Member for Finance and Housing RESOLVED that:
(1) in accordance with the Empty Homes and Second Homes Premium Policy 2024-25, an application to waive the council tax premium charge be REFUSED.
Reasons for decision:
(1) Consideration had been given to the taxpayer's circumstances - however, it was felt that being a landlord had its inherent risks, and that the maintenance of a property (and the associated costs of keeping the property vacant) did not warrant a discretionary award to waive the premium charge. It was also noted that the proposed Government exceptions to the premium charge did not cover this scenario.

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Deputy Leader:	M Coffin
Signed Interim Chief Executive:	A Stanfield
Date of publication:	27 June 2024

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: D240070CAB
Decision Type: Non Key
Date: 08 July 2024

Decision(s) and Reason(s)

Decarbonising and Energy Efficiency Capital Plan Schemes

Consideration was given to an updated 'Decarbonising the Council's Estate' List A Capital Plan scheme to cover all of the projects as outlined in the report, including a number of decarbonising and energy efficiency projects for which grant funding applications had been successful and several other projects being funded directly by the Borough Council, with a view to supporting delivery of the Climate Change Strategy.

Members welcomed the positive outcomes in relation to the external grant awards, details of which were set out in 1.2 of the report. In addition to the projects for which external funding had been obtained, a number of other projects which were either linked to those or had already received approval by the Council utilising its own funding were set out in 1.3 of the report.

It was noted that the capital plan scheme 'Decarbonising the Council's Estate (P06AM)' was previously approved based on an estimate of an external funding of £800,000 and a Council contribution of £430,000, which figures now required updating following confirmation of the grant awards. A revised set of allocations to individual projects to be covered by the updated capital scheme were suggested in 1.4.3 of the report, with a total of £930,000 from TMBC funding and £1,644,799 from external grant funding.

Individual project evaluations for the new schemes were attached at Annexes 1 to 3 for information.

Although slight concern was expressed over the uncertainty around the noise level of the air source heat pumps to be installed at the Larkfield Leisure Centre, Members were assured that the level of noise would be taken into account as part of the planning process with due consideration given to mitigation measures if necessary.

In addition, particular reference was made to 1.6 of the report where the proposed procurement routes for the projects were set out and duly considered by Members.

RESOLVED: That quotations and tenders in respect of the following decarbonising

and energy efficiency projects be sought and procurement routes be approved as required by paragraph 8.1 of the Borough Council's Contract Procedure Rules, including the use of frameworks where appropriate, as set out below and detailed in 1.6 of the report:

- (1) in respect of the re-felt work at Larkfield Leisure Centre, the LHC RS4 Roofing Systems Framework be utilised;
- (2) in respect of the installation of solar PV at Larkfield Leisure Centre, the Laser Consult, Design, Install Framework be utilised; and
- (3) in respect of the installation of air source heat pumps at Larkfield Leisure Centre, an open tender exercise be undertaken.

Reasons: As set out in the report submitted to Cabinet of 8 July 2024.

Signed Deputy Leader: M Coffin

Signed Chief Executive: D Roberts

Date of publication: 10 July 2024

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: D240071CAB
Decision Type: Key
Date: 08 July 2024

Decision(s) and Reason(s)

Community Development Grants

The report of the Deputy Chief Executive presented the assessment outcome of the applications for the second round of the Community Development Grant Scheme and sought approval of a set of grant allocations, attached at Annex 2.

The Community Development Grant Scheme was allocated with a total sum of £165,269 as part of the Borough Council's UK Shared Prosperity Fund Investment Plan and the first round of the Scheme had successfully allocated grants to support a number of local organisations and voluntary sector groups with a total sum of £33,962, leaving an allocation of £131,307 for the second round. During the 8-week application window, 45 eligible bids had been received for grant funding of up to £5,000 and were scored against the agreed criteria as set out in Annex 1. A scaled allocation approach had been adopted due to oversubscription of the Scheme and a schedule of suggested allocations including scoring were set out in Annex 2. Detailed summary of every eligible application was included in Annex 3.

Members welcomed the positive results arising from the implementation of the second round of the Scheme and recognised the significant benefits the Scheme would bring to contribute to the local communities in addressing the cost-of-living crisis for the vulnerable, supporting healthy lifestyles, improving community safety, helping people gain skills to access the workplace and supporting environmental and carbon reduction initiatives.

RESOLVED: That

(1) the grant allocations, as set out in Annex 2 of the report, be endorsed.

Reasons: As set out in the report submitted to Cabinet of 8 July 2024.

Signed Deputy Leader: M Coffin

Signed Chief Executive: D Roberts

Date of publication: 10 July 2024

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: D240072CAB
Decision Type: Key
Date: 08 July 2024

Decision(s) and Reason(s)

Household Support Fund

The report of the Director of Finance and Transformation presented a draft Tonbridge & Malling Borough Council Household Support Fund Scheme April – September 2024 (Annex 1) and sought Members' approval of the Borough Council's approach in use of the current grant of the Household Support Fund for the borough.

Following the agreement made in April for the Borough Council to accept a grant from the Fund of £139,263 and to use it in accordance with Government guidance, a Household Support Fund Scheme had been drafted to set out the proposed use of the fund, with an objective to provide crisis support for households. The strategy for direction of funding was based on successful outcomes of previous awards, statistical returns and experience.

Particular reference was made to the deadline for the grant to be used by 30 September 2024 as unspent grant could not be carried forward. It was expected that a minimum of 50% funding would be allocated to foodbanks and fuel voucher schemes under the proposed Scheme, which also allowed for a mechanism to adapt the direction of funds in response to changing or emerging priorities throughout the lifespan.

Furthermore, Members were assured that engagements would be made with foodbanks across the borough to ensure coverage of the Scheme and support for those who were most in need.

RESOLVED: That

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

Reasons: As set out in the report submitted to Cabinet of 8 July 2024.

Signed Deputy Leader: M Coffin

Signed Chief Executive: D Roberts

Date of publication: 10 July 2024

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: D240073CAB

Decision Type: Non Key

Date: 08 July 2024

Decision(s) and Reason(s)

2023/24 Financial Outturn and May 2024 Budgetary Control

The report of the Director of Finance and Transformation presented Members with the 2023/24 Financial Outturn and the current financial position to the end of May 2024 for the 2024/25 Financial Year, in accordance with the Borough Council's Financial Procedure Rules. It also provided details of the savings identified to date against the current year's savings target of £305,000 and sought advice from the Cabinet on a budget consultation in the lead up to the 2025/26 budget.

A detailed revenue and capital outturn position for the year 2023/24 was provided in the Revenue and Capital Outturn Booklet attached at Annex 1. Members were pleased with the positive revenue position for 2023/24, reported as a contribution to the Borough Council's General Revenue Reserve of £1,304,159 after taking into account the additional reserve movements as set out in 1.1.10 of the report. Details of the movements in reserve balances as at 31 March 2024 were set out in Annex 2 and a summary of the decisions taken by Cabinet and Committees with budget implications since the revenue budget was approved by Council in February 2024 to the end of May 2024 was attached at Annex 3.

Budgetary Control Monitoring Statements for Salaries and Incomes to the end of May 2024 were attached for information at Annex 4 and Annex 5 respectively. The 2024/25 revenue budget position was summarised in 1.7.1 of the report, which reflected a favourable net variance of £142,438 as at the end of May 2024.

At the request of the Director of Street Scene, Leisure and Technical Services and under the Constitution's Financial Procedure Rule 13.3, consideration was given to a virement of £60,000 in order to support the recommissioning of the Waste contract in 2027. It was noted that the £60,000 was achieved as a saving to the current year's budget due to the lower than anticipated inflation rate on the Street Cleansing, Refuse and Recycling Contract and this approach was supported by Members.

With regard to Business Rates monitoring, particular reference was made to the variation of £642,000 below the original estimate of an overall net income of £6,184,366, however, the delay in one business property in the Panattoni Park being rated by the Valuation Office due to the complexity of the assessment was noted and Members were made aware that the rates bill would be backdated as appropriate.

In terms of progressing towards the savings target of £1.7m as identified in the Borough Council's Medium Term Financial Strategy (MTFS), Members were pleased to note that the savings target for the first tranche of £305,000 to be achieved before

1 April 2025 had been exceeded by approx. £409,000, therefore the remaining tranches for the savings target would need to be adjusted accordingly to take into account the additional savings and growth as identified in the report and any increased budgetary pressures above those identified in the 2024/25 MTFs.

Finally, having duly considered the recommendation from the External Auditors, Grant Thornton, to engage key stakeholders to determine local priorities for resources or opportunities for savings, Cabinet were content with their existing rigorous approach to decision making and the positive financial performance of the Borough Council and therefore did not consider it necessary to undertake a specific consultation leading up to the 2025/26 budget, although it was noted that they would keep the recommendation in mind.

RESOLVED: That

- (1) the year end position for 2023/24 be noted and the reserve movements as shown in paragraph 1.1.10 of the report be endorsed;
- (2) the virement of £60,000 proposed by the Director of Street Scene, Leisure and Technical Services in respect of support for the recommissioning of the Waste contract in 2027, as set out at paragraph 1.6.2 of the report, be approved;
- (3) as at the end of May 2024, a net favourable variance of circa £142k when compared to the proportion of the 2024/25 budget, as shown in paragraph 1.7.1 of the report, be noted;
- (4) the current business rate pool position as at the end of May 2024, as set out in paragraph 1.8.2 of the report, be noted;
- (5) the current progress on the current savings target of £1.7m, as set out in paragraph 1.9.4 of the report, be noted; and
- (6) there be no budget consultation to be planned in the lead up to the preparation of the 2025/26 budget.

Reasons: As set out in the report submitted to Cabinet of 8 July 2024.

Signed Deputy Leader: M Coffin

Signed Chief Executive: D Roberts

Date of publication: 10 July 2024

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: D240074CAB
Decision Type: Non Key
Date: 08 July 2024

Decision(s) and Reason(s)

Tonbridge and Malling Draft Productivity Plan

The report of the Management Team presented a draft Tonbridge and Malling Productivity Plan (Appendix 1) for endorsement by Members before submission to the Government by the deadline of 19 July 2024.

Four themes were set out in the request letter from the Minister for Local Government to guide the responses that were being sought from local authorities: (1) transformation and use of resources; (2) taking advantage of technology; (3) plans to reduce wasteful spend; and (4) barriers preventing progress.

The proposed Productivity Plan centred around the above four themes and accorded closely with the following three key priorities as set out in the Tonbridge and Malling Corporate Strategy 2023 – 2027: Innovation, Transformation and Delivery.

During discussion, particular reference was made to the benefits of having remote working policies in place to allow for flexible working and productivity improvement and the advantage of having a longer than one year finance settlement to provide certainty.

RESOLVED: That

- (1) the Tonbridge and Malling Borough Council Productivity Plan, attached at Appendix 1, be endorsed.

Reasons: As set out in the report submitted to Cabinet of 8 July 2024.

Signed Deputy Leader: M Coffin

Signed Chief Executive: D Roberts

Date of publication: 10 July 2024

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: D240075MEM
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Date: 10 July 2024

Decision(s) and Reason(s)
SAFEGUARDING OFFICER
The Cabinet Member for Community Services RESOLVED that: (1) a dedicated part-time Safeguarding Officer be appointed for a two-year fixed term period.
Reasons for decision: Safeguarding is a statutory function for the Council which has evolved and expanded significantly over recent years. Without a dedicated member of staff to undertake regular monitoring, administration and oversight of safeguarding issues, the Council is potentially at risk of being unable to discharge its safeguarding responsibilities. The post holder will also support work in relation to the equalities agenda. The post is being proposed as two-year fixed term, 0.5 full time equivalent at scale 6. A scale 6 post at top of scale for 18.5 hours would cost £21,810 per year, so for the two-year period this would be £43,620. There is a sum of £44,500 remaining in the Peer Review reserve, which has been allocated to fund this post. A dedicated Safeguarding Officer will be an important post for the organisation providing additional capacity to support vulnerable residents.

Signed Cabinet Member for Community Services:	D Keers
Signed Leader:	M Boughton
Signed Chief Executive:	Damian Roberts
Date of publication:	10 July 2024

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance and Housing	Decision Number: D240076MEM
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Date: 12 July 2024

Decision(s) and Reason(s)
APPLICATION FOR REMOVAL OF COUNCIL TAX EMPTY PROPERTY PREMIUM CHARGE
(Reason: LGA 1972 Sch 12A Paragraph 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)) Following consideration of an application for discretionary relief, the Cabinet Member for Finance and Housing RESOLVED that: (1) in accordance with the Empty Homes and Second Homes Premium Policy 2024-25, an application to waive the council tax premium charge be REFUSED
Reasons for decision: (1) Consideration had been given to the taxpayer's circumstances - however, it was felt that they did not warrant a discretionary award to waive the premium charge. The proposed Government exception to the premium charge regarding actively marketing the property for sale or rent did not cover this scenario as the estate of the deceased was not willing to reduce the sale price and were unwilling to let the property in the meantime.

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	15 July 2024

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 Climate Change, Regeneration and Property

**Decision No:
D240077MEM**

Date: 17 July 2024

Decision(s) and Reason(s)

Climate Change Monitoring and Reporting

(Report of Chief Executive)

Member approval was sought for the publication of the Climate Change Action Plan Year 4 Progress Report, the Climate Change Action Plan Year 5 2024/25 and the Carbon Audit 2023/24 (attached as Annexes 1, 2 and 3 respectively).

The report summarised progress achieved to date, the new action plan and trends in emissions from the Borough Council's estate and operations. The most significant sources of emissions across the TMBC estate and operations remained leisure facilities and refuse collection vehicles. Addressing these would make the largest impact towards the 2030 carbon neutral aspiration.

Members sought clarification on a number of issues including the progress being made on installing electric vehicle charging points throughout Tonbridge; the use of the Social Housing Decarbonisation Fund to encourage energy efficient homes; reinstating monitoring of air pollution arising from idling vehicles and improved recycling facilities at public open spaces and events. These were addressed in detail by Officers and the response noted by the Committee. However, the participation of the Borough Council in the Kent County Council Climate Change Group meant that Tonbridge and Malling were fully aware of upcoming pilot schemes and remained open to involvement in projects. Reference was also made to the recycling opportunities being explored by the Borough Council Events Management Team and the proposed DEFRA deposit return scheme for drinks containers which would be given careful consideration.

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 Progress Report (attached at Annex 1) be endorsed;
- (2) the Climate Change Action Plan Year 5 2024/25 (attached at Annex 2) be approved; and

(3) the Carbon Audit for 2023/24 (attached at Annex 3) be approved

Reasons: As set out in the report submitted to Communities and Environment Scrutiny Select Committee of 17 July 2024

Signed Cabinet Member for Climate Change, Regeneration and Property:	R Betts
Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	19 July 2024

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 Finance and Housing

**Decision No:
D240078MEM**

Date: 17 July 2024

Decision(s) and Reason(s)

Health Priorities

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

Consideration was given to a number of health priorities identified by the Borough Council's Health Action Team (HAT) to focus on and develop a TMBC Health Action Plan. These priorities would also inform a Kent and Medway shared delivery plan which underpinned the Kent and Medway Integrated Care Strategy.

It was advised that within the delivery plan for the Strategy, district council priorities were cited which would support the overall shared outcomes. The priorities had been established through discussion, workshops and a survey and a focus on improving mental health, supporting older people and improving children's health was recommended.

Members recognised the importance of identifying what priorities should be focused on and particular reference was made to the high figures for mental health, especially in older people as a result of loneliness. Concern was also expressed at the levels of obesity in children and it was hoped that healthy eating and exercise could be encouraged.

The risk of reduced funding from Kent County Council was recognised given their difficult financial position, although Officers were pleased to report that the County Council had confirmed funding for the next 2 years, until 2026 subject to them receiving the Public Health grant. However, other opportunities for funding would continue to be explored.

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

- (1) the following three Health Action Plan priorities be endorsed;
 - improving mental health;
 - supporting older people; and
 - improving children's health
- (2) the positive work of the Health Action Team and the links being made with the Kent and Medway Integrated Care Strategy be noted.

Reasons: As set out in the report submitted to Communities and Environment Scrutiny Select Committee of 17 July 2024

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	19 July 2024

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: Climate Change, Regeneration and Property	Decision Number: D240079MEM
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Date: 18 July 2024

Decision(s) and Reason(s)
APPROVAL OF FOOD AND SAFETY TEAM SERVICE PLAN 2024/25
Following consideration of the options the Cabinet Member for Climate Change, Regeneration and Property RESOLVED that: (1) The Food and Safety Team Service Plan for 2024-2025 be 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:	D Roberts
Date of publication:	19 July 2024

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: D240080MEM
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Date: 23 July 2024

Decision(s) and Reason(s)
SURRENDER OF LEASE OF IGHTHAM VILLAGE HALL CAR PARK
Following consideration of the options, the Cabinet Member for Climate Change, Regeneration and Property RESOLVED that: (1) the lease be surrendered on Ightham Village Hall Car Park.
Reasons for decision: By surrendering the lease of the car park, electrical substation works can be carried out by UK Power Networks and by the management of the car park moving back to the Parish Council will mean the Borough Council's costs will reduce.

Signed Cabinet Member for Climate Change, Regeneration and Property:	R Betts
Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	23 July 2024

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance and Housing	Decision Number: D240081MEM
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Date: 31 July 2024

Decision(s) and Reason(s)				
WRITE OFF OF DEBT ABOVE £5,000 IN RESPECT OF THE CASTLEMAS 2022 EVENT				
<p>Castlemas Ltd, the event operator of the Castlemas event held at Tonbridge Castle in 2022, was placed into voluntary Administration in March 2023 with debts totalling £9,092.66 due to the Council.</p> <p>A dividend of £640.87 was received from the Companies Administrators in May 2024. The Council has been informed by the Administrators that no further dividends will be paid.</p> <p>The remaining debts (including VAT) total £8,451.79 and are broken down below.</p>				
	Invoice Ref	Total	VAT	Cur Bal
		£	£	£
Castlemas Ltd	78559	2,551.50	136.91	2,688.41
Castlemas Ltd	78680	792.42	158.48	950.90
Castlemas Ltd	79256	1,221.85	244.37	1,466.22
Castlemas Ltd	79260	3,175.85	170.41	3,346.26
		7,741.62	710.17	8,451.79
<p>As the amounts are, cumulatively, above £5,000 under Financial Standing order 18.1 the Director of Finance and Transformation is requesting Cabinet Member for Finance and Housing to approve the write off.</p> <p>Following consideration of the options the Cabinet Member for Finance and Housing RESOLVED that:</p> <p>(1) The Debt be approved for write off.</p>				
Reasons for decision:				
<p>Castlemas is no longer trading with no prospects for further financial recovery, therefore debt write off is requested for the total sum, including VAT of £8,451.79.</p>				

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	1 August 2024

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance and Housing	Decision Number: D240082MEM
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Date: 31 July 2024

Decision(s) and Reason(s)

CUSTOMER PORTALS – EXTENDING LOCAL LAND AND PROPERTY GAZETTEER (LLPG) ADDRESS SEARCH TO INCLUDE NATIONAL ADDRESS DATABASE (NLPG)

Presently, customers registering through the Jadu Singlepoint address lookup functionality can only do so if their address is local to the borough. Many customers (for example planning or building control customers who act on behalf of clients) do not live in the borough and therefore do not have a local address.

The proposed enhancement to expand the lookup functionality to a national database will enable customers to use the single sign on facilities, encouraging use by non residents of the borough and potentially attracting new income through, for example, building control and licensing. Single sign-on streamlines the authentication process for registering customers, allowing them also to access their Agile Citizen Portals with their Jadu MyAccount credentials. In addition, importantly, it will also enable payments to be taken through the portal from these customers which would otherwise need to be done manually by staff thereby creating efficiency.

In terms of specific service areas:

- Building control applications can be received from anywhere in the UK. The new Agile portal provides an online payment option, but this option remains offline until access can be granted to out of borough customers.
- Taxi licence holders and personal licence holders may move out of borough and will no longer be able to register.
- Planning agents acting on behalf of clients may not be in borough. Planning has a workaround in place to manage pre-application requests which requires significant additional time to process as payments may only be taken by phone.
- Delays in having portals up and running is causing impacts to workloads and is not providing the level of service expected by the customer.

The first-year cost including set up is £9,450 and can be funded from the Transformation Reserve.

Annual costs are £7,500 and will need to be added to base revenue budget from 2025/26 onwards. However, this could potentially be offset by additional income that might not otherwise be attracted to the borough because of the current barriers with functionality, as well as improved efficiency for staff who presently have to process some applications manually. This will also assist in sustaining future growth demands as well as improving the quality of service provided.

The alternative option which is the 'status quo' and not to proceed with this opportunity would mean that the Council would be limited in how it is able to:

- Improve customer experience and inclusion;
- Generate efficiency and income potential;
- Sustain future growth demands.

Following consideration of the options the Cabinet Member for Finance & Housing RESOLVED that:

1. The expansion of lookup functionality to a national database be approved
2. The first year cost (including set up) of £9,450 be funded from the Transformation Reserve in 2024/25
3. Annual costs of £7,500 be included within the draft revenue budget from 2025/26 onwards.

Reasons for decision:

- Improved customer experience and inclusion.
- Efficiency and income generation potential.
- Sustain future growth demands.

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	1 August 2024

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance and Housing	Decision Number: D240083MEM
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Date: 5 August 2024

Decision(s) and Reason(s)					
WRITE OFF OF DEBT ABOVE £5,000 IN RESPECT OF THE AYLESFORD NEWSPRINT					
<p>Aylesford Newsprint closed for operational purposes in March 2015 and was subsequently placed into Liquidation with all financial affairs were transferred to the KMPG as the Companies Administrators.</p> <p>Prior to its closure the Council used the facility for the recycling of Paper and Cardboard waste from both home collections and the various bring banks formerly located around the Borough. For this Aylesford Newsprint would pay the Council an amount per tonne.</p> <p>At the time of the company being placed into Administration the Council had issued debts for the paper taken to site amounting to £99,566.99. Since the liquidation the council has received various dividends against this balance.</p> <p>In July 2024 a letter from the Administrators informed the Council that no further dividends would be paid.</p> <p>The remaining debts (including VAT) amount to £41,002.80 and are broken down below.</p>					
	Reference	Date	Total	VAT	Curr Bal
Aylesford Newsprint Ltd	0000045810	03/12/2014	8,591.69	1,718.34	10,310.03
Aylesford Newsprint Ltd	0000046012	08/01/2015	457.17	91.43	548.60
Aylesford Newsprint Ltd	0000046013	08/01/2015	9,205.43	1,841.09	11,046.51
Aylesford Newsprint Ltd	0000046223	05/02/2015	9,232.28	1,846.46	11,078.73
Aylesford Newsprint Ltd	0000046388	04/03/2015	5,682.69	1,136.54	6,819.23
Aylesford Newsprint Ltd	0000046389	04/03/2015	663.37	132.67	796.04
Aylesford Newsprint Ltd	0000046420	09/03/2015	336.38	67.28	403.66
			34,169.00	6,833.80	41,002.80

As the amounts are, cumulatively, above £5,000 under Financial Standing order 18.1 the Director of Finance and Transformation is requesting Cabinet Member for Finance and Housing to approve the write off.

Following consideration of the options the Cabinet Member for Finance and Housing RESOLVED that:

- (1) The debts be approved for write off.

Reasons for decision:

Aylesford Newspaper is no longer trading with no prospects for further financial recovery; therefore debt write off is requested for the sum of £41,002.80 including VAT.

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	6 August 2024

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance and Housing	Decision Number: D240084MEM
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Date: 8 August 2024

Decision(s) and Reason(s)
ENGAGEMENT AND FUNDING OF A FULL TIME TEMPORARY HOUSING SOLUTIONS OFFICER AGENCY RESOURCE
<p>(Reasons: LGA 1972 - Sch 12A Paragraph 1 and 2 – Information relating to an individual and information which is likely to reveal the identity of an individual)</p> <p>A reasons report is attached at Annex 1. Due to confidential staffing information this reasons report will not be published. Given the short term and urgent nature of this appointment it is not appropriate to recruit through the usual manner and seek to offer a contract and an agency resource is the preferred option.</p> <p>Following consideration of the proposal, the Cabinet Member for Finance and Housing RESOLVED that:</p> <ol style="list-style-type: none">(1) a full time (1 FTE) Housing Solutions Officer agency resource till the end of September 2024, be approved; and(2) an estimated maximum cost of £13,320 be funded from the Homelessness Reserve.
Reasons for decision:
To ensure continued service delivery and to support staff morale.

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	9 August 2024

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance and Housing	Decision Number: D240085MEM
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Date: 23 August 2024

Decision(s) and Reason(s)
DEBTS FOR WRITE OFF
(Reason: LGA 1972 Sch 12A Paragraph 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)) Following a review of irrecoverable debts over £5,000, the Cabinet Member for Finance and Housing RESOLVED that the items shown below be written off: (1) 2 council tax debts to the value of £14,149.51; and (2) 4 housing benefit overpayment debts to the value of £35,331.83.
Reasons for decision: (1) All options to recover the debts have been exhausted.

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Deputy Leader:	M Coffin
Signed Chief Executive:	D Roberts
Date of publication:	28 August 2024

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance and Housing	Decision Number: D240086MEM
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Date: 23 August 2024

Decision(s) and Reason(s)
APPLICATION FOR REMOVAL OF COUNCIL TAX EMPTY PROPERTY PREMIUM CHARGE
<p>(Reason: LGA 1972 Sch 12A Paragraph 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information))</p> <p>Following consideration of an application for discretionary relief, the Cabinet Member for Finance and Housing RESOLVED that:</p> <p>(1) in accordance with the Empty Homes and Second Homes Premium Policy 2024-25, a premium charge for an uninhabitable property be cancelled for the period 1 April 2024 to 31 March 2025 using discretionary powers under Section 13A(1)(c) Local Government Finance Act 1992.</p>
Reasons for decision:
<p>(1) The property has been empty since 21 February 2023 and a 12 month uninhabitable discount was awarded as it needed major repair and structural alteration. The discount expired 21 February 2024 and the premium charge started 1 April 2024 as the property had been empty for over a year.</p> <p>Government will formally approve exceptions to the premium charge at some point this year, one of which is for uninhabitable properties. The premium charge is causing exceptional hardship to the taxpayer and preventing the property from being fully repaired, which following an inspection shows there are still extensive works to be done. The family are currently renting in the borough and have advised they must move into the property by March next year.</p>

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Deputy Leader:	M Coffin

Signed Chief Executive:	D Roberts
Date of publication:	28 August 2024

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: D240087CAB
Decision Type: Non Key
Date: 03 September 2024

Decision(s) and Reason(s)

July 2024 Budgetary Control

The report of the Director of Finance and Transformation presented Members with the current financial position to the end of July 2024 for the 2024/25 Financial Year, in accordance with the Borough Council's Financial Procedure Rules.

Since a revenue budget of £11,671,480 was set by the Council in February 2024, a number of Cabinet and committee decisions had been taken (as set out in Annex 1) with a net impact of a slight reduction of £3,192 on the revenue budget.

Budgetary Control Monitoring Statements for Salaries and Incomes to the end of July 2024 were attached for information at Annexes 2 and 3 respectively, which reflected an underspend of £69,750 against the current salary estimates proportioned to the end of July 2024 and an actual which was £26,345 less than the apportioned income estimate for the same period.

With regard to investment income, both Core and Cashflow funds were shown above the proportion of the original estimates due to continued high base rates which, however, were not anticipated to continue in the long term.

Areas identified as variations to the original estimate as of the end of May 2024 included service fee to the Tonbridge and Malling Leisure Trust, which was below the estimate thanks to the energy efficiency measures and savings, and expenditure on temporary accommodation, which was an overspend above the estimate due to higher than expected level of clients and increasing accommodation costs.

Furthermore, capital expenditure to the end of July 2024 was detailed in Annex 4.

With regard to the savings target as identified in the Medium Term Financial Strategy, Members acknowledged that challenge was still ahead in identifying options to close the overall funding gap of £1.7m despite that the first tranche target of £305,000 to be achieved by April 2025 had already been exceeded. It was therefore suggested that options be invited from members of the three Scrutiny Select Committees and the Overview and Scrutiny Committee for evaluation, and this was supported by the Cabinet.

RESOLVED: That

- (1) as at the end of July 2024, a net favourable variance of circa £291,000 when compared to the proportion of the 2024/25 budget as shown in paragraph 1.6.1 be noted;
- (2) the potential issues surrounding the impact of the current client levels, cost of temporary accommodation and debt recovery within the revenue budget for Homelessness Accommodation be noted;
- (3) the current business rate pool position, as at the end of July 2024 as set out in paragraph 1.7.2, be noted;
- (4) the current spend on Capital Projects for 2024/25 be noted;
- (5) the current position of the Savings Target be noted; and
- (6) Members of the three Scrutiny Select Committees and the Overview and Scrutiny Committee be invited to propose options for evaluation in the forthcoming months to assist in bridging the current funding gap.

Reasons: As set out in the report submitted to Cabinet of 3 September 2024.

Signed Leader: M Boughton

Signed Chief Executive: D Roberts

Date of publication: 5 September 2024

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: D240088CAB
Decision Type: Non Key
Date: 03 September 2024

Decision(s) and Reason(s)

Tonbridge Racecourse Sportsground Management Plan Consultation

Consideration was given to recommendation CE 24/27 of the Communities and Environment Scrutiny Select Committee of 17 July 2024 in respect of the draft Tonbridge Racecourse Sportsground Management Plan.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations, the legal implications and noted the changes proposed to the draft Management Plan, with particular reference made to the representativeness of the Tonbridge Sports Association, which would be taken into consideration when consultation was to be undertaken for review of any management plans in the future.

RESOLVED: That

- (1) the proposed amendments to the draft Management plan, as set out in Annex 2, be approved, subject to amending the proposed responses in respect of footpaths and active travel to read 'unlikely to be realistic'; and
- (2) the draft Management Plan for Tonbridge Racecourse Sportsground 2024-28 (attached at Annex 3) be approved.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 17 July 2024.

Signed Leader: M Boughton

Signed Chief Executive: D Roberts

Date of publication: 5 September 2024

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: D240089CAB
Decision Type: Non Key
Date: 03 September 2024

Decision(s) and Reason(s)

Risk Management

Consideration was given to recommendation AU 24/28 of the Audit Committee of 22 July 2024 in respect of risk management process and the Strategic Risk Register (SRR).

Cabinet had due regard to the views of the Committee, the financial and value for money considerations and the legal implications and noted that, as recommended by the consultant, following a review undertaken by the Management Team of all the risks contained within the SRR, a number of changes had been made to the current Register, including the deletion of some risks that were no longer felt to be strategic risks and the titles of some of the risks. The number of 'red' risks on the SRR remained to be 4 as set out below:

- Achievement of Savings and Transformation Strategy
- Failure to agree a Local Plan
- Implementation of the Agile software system
- Contract/Contractor Procurement

RESOLVED: That

- (1) the review undertaken by Management Team in streamlining the Strategic Risk Register, be noted; and
- (2) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as 'RED', be noted.

Reasons: As set out in the report submitted to the Audit Committee of 22 July 2024.

Signed Leader: M Boughton

Signed Chief Executive: D Roberts

Date of publication: 5 September 2024

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: D240090CAB
Decision Type: Key
Date: 03 September 2024

Decision(s) and Reason(s)

Larkfield Leisure Centre Roof Re-felt and Insulation Upgrade Tender

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

Following a formal tender and evaluation process, the report provided details of the tenders received for the roof re-felt and insulation upgrade works at Larkfield Leisure Centre and recommended an award of the contract.

Cabinet had due regard to the evaluation, the risk assessment, financial and value for money considerations and the legal implications and noted that the value of the successful tender was within the budget previously approved by Members. Any underspend on the final project would reduce the funding requirement from the Revenue Reserve for Capital Schemes. The proposed energy efficiency works to support the Council's Climate Change Strategy were highly welcomed by Members.

RESOLVED: That the contract for the re-felt and roof insulation upgrade works at Larkfield Leisure Centre be awarded to Acclaim Contracts Ltd.

Reasons: As set out in the report submitted to Cabinet of 3 September 2024 (contains exempt information).

Signed Leader: M Boughton

Signed Chief Executive: D Roberts

Date of publication: 5 September 2024

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: D240091CAB
Decision Type: Key
Date: 03 September 2024

Decision(s) and Reason(s)

Local Authority Housing Fund

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

The report presented details in respect of Round 3 of the Local Authority Housing Fund (LAHF) which, following a change in criteria and match funding arrangements, was now considered a suitable funding opportunity for the Borough Council. This grant opportunity would support the delivery of temporary accommodation and homes for use under the Afghan Citizens Resettlement Scheme.

A Memorandum of Understanding (attached at Annex 1) detailed the number of units to be delivered and the grant funding requirements.

Cabinet had due regard to the delivery approach presented, the risk assessment, policy, financial and value for money considerations and the legal implications.

RESOLVED: That

- (1) acceptance of the Local Authority Housing Fund Round 3 funding be approved;
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Director of Finance and Transformation and the Cabinet Member for Finance and Housing, to sign the Memorandum of Understanding (attached at Annex 1); and
- (3) the Director of Planning, Housing and Environmental Health liaise with the Director of Finance and Transformation, and relevant Cabinet Members, to enable the Borough Council to move forward with acquisition within the funds set out in the Capital Plan (as set out in (4) below) once a suitable property has been identified.

RECOMMENDED*: That

- (4) it be recommended to Full Council that the Capital Plan be updated to include an allowance of up to £400,000 (to be funded from Temporary Accommodation Reserve and/or s106 contributions) as the Borough Council's contribution to the Year 1 property acquisition.

***Recommendation to Council**

Reasons: As set out in the report submitted to Cabinet of 3 September 2024 (contains exempt information).

Signed Leader: M Boughton

Signed Chief Executive: D Roberts

Date of publication: 5 September 2024

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: D240092CAB
Decision Type: Key
Date: 03 September 2024

Decision(s) and Reason(s)

Housing Team Staffing

(Reasons: LGA 1972 – Sch 12A Paragraphs 1 and 2 – Information relating to an individual and information likely to reveal the identity of an individual)

Consideration was given to proposals to extend a number of temporary staffing arrangements within the Housing Service whilst a review would be forthcoming to address these in the longer term, in response to recommendations made by a temporary accommodation/homelessness consultancy review.

Due regard was given to the policy, financial and value for money considerations and the legal implications and it was proposed that the extensions be funded from the balance of the homelessness reserve. There was a risk that if the current arrangements were not extended there would be an impact on service delivery which could lead to increased numbers of households in temporary accommodation.

RESOLVED: That

- (1) the extension of the four temporary Housing Allocation posts from 1 October 2024 until 31 March 2025 as set out in the report, be agreed;
- (2) the extension of the temporary Triage Officer agency arrangement from 1 October 2024 until 31 March 2025 as set out in the report, be agreed;
- (3) the extension of the temporary Move On Officer role from 1 October 2024 until 31 March 2025 as set out in the report, be agreed; and
- (4) the total cost of the above, as set out in the report, be funded from the homelessness reserve.

Reasons: As set out in the report submitted to Cabinet of 3 September 2024 (contains exempt information).

Signed Leader: M Boughton

Signed Chief Executive: D Roberts

Date of publication: 5 September 2024

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance and Housing	Decision Number: D240093MEM
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Date: 4 September 2024

Decision(s) and Reason(s)
EXTENSION OF AGILE MANAGEMENT ARRANGEMENTS AND FUNDING
Following consideration of the proposal to extend the contracting arrangements of the Business Change Project Manager for the reasons as set out below, the Cabinet Member for Finance and Housing RESOLVED that: (1) the contract for the Business Change Project Manager working on the implementation of Agile be extended until 31 March 2025; and (2) the additional cost of £52,000 be funded from the Budget Stabilisation Reserve.
Reasons for decision: The current delivery programme for implementation of all Agile modules has Go Live for the final modules in early 2025. In order to maintain project delivery capacity within TMBC and mitigate project delivery risks as far as possible, it is considered essential to maintain the Council's current arrangements with an externally contracted project manager. The use of this resource will be maximised for project delivery and for ensuring that the Agile system is fully embedded as 'business as usual'. Without this resource, project management capacity and knowledge of technical systems delivery would have to be identified elsewhere and would have a significant impact on ongoing service delivery if it had to be identified from within the Council's staffing resource base. The additional budget required to contract through to 31 March 2025 is £52,000.

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	5 September 2024

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: D240094MEM
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Date: 11 September 2024

Decision(s) and Reason(s)
RESPONSE TO PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM CONSULTATION
Following consideration of the proposed response to the Government's consultation on the proposed reforms to the National Planning Policy Framework and other changes to the planning system, the Cabinet Member for Planning RESOLVED that: (1) the response to the consultation is submitted as agreed to the Ministry of Housing, Communities and Local Government (MHCLG).
Reasons for decision: On 30th July 2024 the Government published its consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system. The consultation runs until 24th September 2024 and comprises 106 questions. The Government has confirmed that it will respond to the consultation and will publish a revised NPPF before the end of the year, so that policy changes can take effect as soon as possible. A response to the consultation has been drafted and has been agreed by the Cabinet Member for Planning, as attached at Annex 1, and this decision seeks agreement to submit the response to the consultation within the consultation period to MHCLG.

Signed Cabinet Member for Planning:	M Taylor
Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	16 September 2024

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Finance and Housing	Decision No: D240095MEM
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Date: 17 September 2024

<p>Decision(s) and Reason(s)</p> <p>Customer Contact Centre - Enhanced Facilities</p> <p>(Joint Report of Director of Central Services and Director of Finance and Transformation)</p> <p>Consideration was given to a proposal to enable automated webchat as an enhancement to the current Customer Contact system. The licences to enable this function could be funded from the Transformation Reserve.</p> <p>Due regard was given to a detailed evaluation of the Anywhere365 Webchat and Bot Integration Project as set out in Annex 1.</p> <p>It was anticipated that the enhanced facility would support the increasing expectations of customers for services ‘out of hours’ and free up staff time to deal with more complex calls from potentially more vulnerable and older residents.</p> <p>In addition, it was recognised that there was potential for efficiency savings following the initial settling in period and further consolidation of other service areas into the centralised Contact Centre under the “One Council” ethos.</p> <p>Following consideration by the Finance, Regeneration and Property Scrutiny Select Committee, the Cabinet Member for Finance and Housing resolved that:</p> <ul style="list-style-type: none">(1) the automated webchat functionality be enabled through the Customer Contact system; and(2) the cost of £9,408 for the additional Anywhere365 licences (until the end of the Anywhere365 contract) be funded from the Transformation Reserve. <p>Reasons: As set out in the report submitted to Finance, Regeneration and Property Scrutiny Select Committee of 17 September 2024</p>

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Leader:	M Boughton

Signed Chief Executive:	D Roberts
Date of publication:	20 September 2024

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: D240094(1)MEM
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Date: 27 September 2024

Decision(s) and Reason(s)
RESPONSE TO PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM CONSULTATION
<p>Following consideration of the proposed response to the Government's consultation on the proposed reforms to the National Planning Policy Framework and other changes to the planning system and having due regard to the recommendation of the Overview and Scrutiny Committee of 26 September 2024 in respect of an amendment to the response to Question 73, the Cabinet Member for Planning RESOLVED that:</p> <p>(1) subject to an amendment to the response to Question 73 of the consultation to reflect that solar panels be made mandatory to be installed by developers for all new housing, the response to the consultation be submitted as agreed to the Ministry of Housing, Communities and Local Government (MHCLG).</p>
Reasons for decision: <p>On 30 July 2024 the Government published its consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system. The consultation ran until 24 September 2024 and comprised 106 questions. The Government had confirmed that it would respond to the consultation and would publish a revised NPPF before the end of the year, so that policy changes could take effect as soon as possible. A response to the consultation had been drafted and had been agreed by the Cabinet Member for Planning, as attached at Annex 1 to the original Decision Notice No. D240094MEM agreeing to submit the response to the consultation within the consultation period to MHCLG.</p> <p>In accordance with the Overview and Scrutiny Procedure Rules, decision D240094MEM was the subject of a call-in and was scrutinised by the Overview and Scrutiny Committee on 26 September 2024. Members of the Overview and Scrutiny Committee considered the grounds for the call-in and had regard to the responses provided by the Cabinet Member for Planning and the views of the Housing and Planning Scrutiny Select Committee of 24 September 2024. After in-depth discussion and a formal vote the Overview and Scrutiny Committee recommended that Decision No. D240094MEM be revised to reflect an amendment to the response to Question 73 of the consultation in respect of making installation of solar panels</p>

mandatory by developers for all new housing, as set out in Minute Number OS 24/44.

After careful consideration of the views of the Housing and Planning Scrutiny Select Committee of 24 September 2024 and the recommendation of the Overview and Scrutiny Committee of 26 September 2024, the Cabinet Member for Planning agreed to the recommended amendment to Decision No. D240094MEM, which was superseded by Decision No. D240094(1)MEM.

Signed Cabinet Member for Planning:	M Taylor
Signed Deputy Leader:	M Coffin
Signed Chief Executive:	D Roberts
Date of publication:	30 September 2024

In accordance with Rule 15(h) of the Overview and Scrutiny Procedure Rules, this decision is not subject to call-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: D240096MEM
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Date: 30 September 2024

Decision(s) and Reason(s)
TONBRIDGE CASTLE GATEHOUSE ROOF REPAIRS – APPROVAL OF TENDER ROUTE
Following consideration of the options, the Cabinet Member for Climate Change, Regeneration and Property RESOLVED that: (1) the Tonbridge Castle Gatehouse roof repair project be procured via an open tender route.
Reasons for decision: By undertaking an open tender route the market will be fully tested for this highly specialist work to ensure value for money is being obtained.

Signed Cabinet Member for Climate Change, Regeneration and Property:	R Betts
Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	7 October 2024

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.

