

TONBRIDGE AND MALLING BOROUGH COUNCIL



COUNCIL MINUTE BOOK

JANUARY 2025

VOLUME 1

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

VOLUME 1
JANUARY 2025

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

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 7th January, 2025

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

Cllrs S Crisp, Mrs A S Oakley and M R Rhodes were also present pursuant to Access to Information Rule No 23 and participated via MS Teams.

An apology for absence was received from Councillor D Keers.

PART 1 - PUBLIC

CB 25/1 DECLARATIONS OF INTEREST

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

CB 25/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 10 December 2024 be approved as a correct record and signed by the Chairman.

MATTERS FOR CORPORATE MONITORING

CB 25/3 KEY PERFORMANCE INDICATORS - QUARTER 2

The report provided data on Key Performance Indicators for the period July – September 2024 (quarter 2) that were aligned to the Corporate Strategy 2023-27, monitored on a quarterly or annual basis and was a key tool in assessing performance management, helped to deliver positive change and provided the Cabinet with an insight into areas where the Borough Council was performing well and areas that needed greater focus.

Cabinet noted the positive quarterly trends in respect of increased attendance at leisure facilities, increased recycling and composting figures, a reduction in fly tipping and an improvement in major and minor planning applications. Areas of focus included addressing the challenges with the Housing Register, increasing numbers of people in temporary accommodation and the Local Development Scheme following the decision to pause work on the Regulation 18b Local Plan due to a revised NPPF.

Cabinet also noted the concerns expressed at the lack of information in respect of Housing Register KPIs for the longer term. The number of households on the register currently was not an accurate reflection as these figures were artificially low whilst Housing Services dealt with the backlog of assessments. However, operational monthly statistics tracking progress of applications/assessments could be shared with Members to provide a general oversight of performance.

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

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE NON-KEY DECISIONS

CB 25/4 PROCEDURE ON AMENDMENTS TO PLANNING INCLUDING RESERVED MATTERS APPLICATIONS

(Decision Notice D250002CAB)

Consideration was given to the proposal to replace the Non-Amendments Policy and adopt a new procedure on amendments to planning applications set out in Annex 1.

Following the request of the Housing and Planning Scrutiny Select Committee of 3 December 2024, the Cabinet Member for Planning had consulted with Officers on the amendments as set out in Annex A.

Whilst Cabinet supported the amendments at Annex A, on the grounds that it was not within the power of Planning Committees to force an applicant to make an amendment, it was proposed by Cllr Boughton and seconded by Cllr Taylor that the following change be made:

- Minor amendments will be encouraged following a deferral at an Area Planning Committee, especially on the grounds articulated by Members for a deferral.

RESOLVED: That

- (1) subject to updated wording of one sentence from 'Minor amendments will be accepted where requested by a majority of votes at an Area Planning Committee, to 'Minor amendments will be encouraged following a deferral at an Area Planning Committee, especially on the ground articulated by members for a deferral', the procedure set out in Annex 1, as amended in Annex A, be adopted; and

- (2) the Housing and Planning Scrutiny Select Committee be asked to review the progress of the new procedure after 6 months of operation.

MATTERS SUBMITTED FOR INFORMATION

CB 25/5 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

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

- Parish Partnership Panel of 21 November 2024
- Tonbridge Community Forum of 25 November 2024
- Joint Transportation Board of 2 December 2024

CB 25/6 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 25/7 NOTICE OF FORTHCOMING KEY DECISIONS

The Notice setting out Key Decisions anticipated to be taken during January to February 2025 were noted.

CB 25/8 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE KEY DECISION

CB 25/9 LARKFIELD LEISURE CENTRE SOLAR PV TENDER

(Decision Notice D250003CAB)

(Reasons: Part 2 – Private: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

Following the Borough Council's successful application for external grant funding through the Governments Swimming Pool Support Fund, the report of the Director of Street Scene, Leisure and Technical Services and the Cabinet Member for Climate Change, Regeneration and

Property summarised the tender process for the installation of solar PV at Larkfield Leisure Centre and sought approval to award the contract.

Cabinet had due regard to the tender evaluation, the financial and value for money considerations, the legal implications and risk assessment detailed in the report and welcomed the potential significant impact on reducing emissions in support of the Council's target of being carbon neutral by 2030 and protecting the natural environment through onsite generation of electricity.

It was also confirmed that a fire rated board was being installed on the flat roof areas as part of the re-felting work currently being undertaken and that the installation of the solar panels would significantly increase the amount of on-site electricity generation.

RESOLVED: That the contract to install solar PV at Larkfield Leisure Centre be awarded to Convert Energy

The meeting ended at 7.57 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

MINUTES

Thursday, 9th January, 2025

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

An apology for absence was received from Councillor L Athwal.

PART 1 - PUBLIC

AP1 25/1 DECLARATIONS OF INTEREST

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

AP1 25/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 17 October 2024 be approved as a correct record and signed by the Chairman.

AP1 25/3 GLOSSARY AND SUPPLEMENTARY MATTERS

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

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

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

AP1 25/4 TM/24/01150/PA - 111 DOUGLAS ROAD, TONBRIDGE

Erection of a two storey side extension to create a two bedroom dwelling, including reconfiguration of the roof, new dormer windows,

internal reconfiguration of the existing dwelling to incorporate a loft conversion and associated access and landscaping works. (Self-build)

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 built form and design of the proposed development being detracting from the unique characteristics and distinctiveness of the local area.

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

1. The proposal by reason of its built form and design creates a cramped form of development eroding the character of the area, which is contrary to Policy SQ1 of the Managing Development and the Environment Development Plan Document 2010 and Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

[Speakers: Mr D Beagley, Mrs E Williams and Mr M Williams (members of the public) addressed the Committee in person.]

MATTERS FOR INFORMATION

AP1 25/5 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.

AP1 25/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.32 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

MINUTES

Monday, 13th January, 2025

Present: Cllr M R Rhodes (Vice-Chair, in the Chair), Cllr T Bishop, Cllr J Clokey, Cllr M A J Hood, Cllr B A Parry, Cllr S M Hammond and Cllr K S Tunstall

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

Apologies for absence were received from Councillors R I B Cannon (Chair) and J R S Lark.

PART 1 - PUBLIC

AU 25/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Councillor K Tunstall substituted for Councillor R Cannon (Chair)
- Councillor S Hammond substituted for Councillor J Lark

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

AU 25/2 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 7 (Treasury Management Update and Treasury Management and Annual Investment Strategy for 2025/26) 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.

AU 25/3 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 23 September 2024 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET**AU 25/4 RISK MANAGEMENT**

The report of the Management Team provided an update on the risk management process and the Strategic Risk Register. An update was also provided in respect of the Zurich Risk Management Review which was initially presented to Members in January 2024.

An executive summary of the RED risks was provided at Annex 1 of the report and a full update on the current strategic risks and how they were being managed as at the time of writing were set out at Annex 1a. The risks that were categorised RED at the time of the September 2024 meeting were:

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

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 next one-to-two-year horizon. Management Team had assessed that the Economic Stability, Homes for Ukraine and Waste/Recycling Income risks should be removed from the Strategic Register.

On the grounds that training had been successfully rolled out to officers and a new procurement strategy had been approved by Cabinet on 10 December 2024, the Contract/Contractor Procurement risk had been reduced to Amber. Therefore, the number of RED risks had reduced to three, as follows:

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

In response to questions raised by Members with regard to the risks associated with the Local Plan and the Agile project, the Committee were advised that mitigation measures would be set out in reports due to be presented to the Housing and Planning Scrutiny Select Committee of 12 February 2025 in respect of the Local Plan, and a further internal post-implementation audit report was being commissioned to review the implementation of the Agile system with an update to be provided to this Committee at its next meeting in April 2025.

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 at Annex 2 of the report.

Following the appointment of Risk Champions at both Member and Officer levels, an officer Risk Management Group had been established with the objective of spreading the workload, and word, on the importance of risk management throughout the Council. The Group would be undertaking a review of the Risk Management Strategy in the forthcoming months and anticipated to provide an updated strategy to the Committee to review in September 2025.

Furthermore, an update on progress in addressing the recommendations identified by Zurich Risk Management in a Risk Management Review report, which was presented to the Committee in January 2024, was provided at Annex 3 of the report.

In addition, particular reference was made by Members to the potential risk to arise from the 'Devolution White Paper' and Local Government Reorganisation. However, given current uncertainties around the 'devolution' programme and implications for the Borough Council, it was hoped that a clearer timescale would be available once the result of the bid from Kent County Council and Medway Council to be considered for the priority devolution programme was known by the end of January, when due regard could be given to assess the risk in more detail and report to Members at the next meeting of the Audit Committee in April 2025.

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 progress towards the delivery of recommendations from the Zurich Risk Management Review, be noted; and
- (3) the objective to present an updated Risk Management Strategy to the September 2025 meeting of the Audit Committee, be noted and approved.

***Recommended to Cabinet**

AU 25/5 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2025/26

The report of the Director of Finance and Transformation provided details of the investments undertaken and return achieved in the first eight months of the current financial year and introduced the Treasury Management and Annual Investment Strategy 2025/26 (attached at Annex 5).

A full list of investments held on 30 November 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, £2,024,350 was earned in interest to the end of November 2024, which was £442,600 above the original budget estimate for the same period. The positive variance was primarily attributed to the bank rate remaining higher for longer than initially anticipated. An extract from Link's latest benchmarking data was provided in the form of a scatter graph at Annex 3, which showed that as at 30 September 2024 the Borough Council's return was 5.12%, above the local benchmarking group average of 4.98%.

With regard to long term investment, during the period 1 April 2024 to 30 September 2024, the £4.04m investment in property funds generated dividends of £82,980 which represented an annualised return of 4.09% compared to 3.68% in 2023/24. Following the termination of the Lothbury Property Trust, five payments had been received to-date totalling £1.276m. The remaining assets were expected to be sold by February/March 2025, when further distributions would be made as and when asset sales had concluded and dividends paid from income generating assets.

Under medium term investment, during the period April 2024 to November 2024, the £4.25m investment in multi asset funds generated dividends of £127,690, which represented an annualised return of 4.51%.

An extract from the draft income and expenditure estimates attributed to the Treasury Management function were provided at Annex 4.

The parameters to limit the Borough Council's exposure to investment risks were summarised as part of the 2025/26 Annual Investment Strategy in Annex 5. Except where indicated by bold italic text, the 2025/26 Strategy adopted the same risk parameters as currently approved.

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

RECOMMENDED*: That

- (1) the treasury management position as at 30 November 2024, be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2025/26 (attached at Annex 5), be adopted.

***Recommended to Cabinet**

AU 25/6 ANNUAL AUDIT REPORT 2023/24

The report of the Management Team introduced the Auditor's Annual Report for 2023/24, prepared by Grant Thornton UK LLP in respect of the Borough Council's overall arrangements for securing economy, efficiency and effectiveness in the use of resources.

Members recalled that the Auditor's Annual Report for 2022/23, presented to the Committee in September 2023, highlighted two significant weaknesses found in the Council relating to performance management and procurement. During the latest audit, it was acknowledged and reported that the significant weakness in respect of performance management had been addressed. With regard to procurement, given good progress being made and recognised during 2024/25, it was anticipated that this other significant weakness would also be 'signed off' fully during the year.

Particular reference was made to one of the improvement recommendations identified in the Auditor's Annual Report for 2023/24 (attached at Annex 1) as well as in the Audit Findings Report (attached at Annex 2 under Item 9 on the agenda) in relation to the non-return of Related party transaction forms by Members and its associated risk for the Borough Council. Members were keen for this recommendation to be addressed in a timely and effective manner and noted that an update would be provided to the Committee in April for any remaining concern and mitigation measure to be identified.

RECOMMENDED*: That

- (1) the Auditor's Annual Report for 2023/24 (attached at Annex 1), be approved;
- (2) the comments made in respect of the key recommendations from the Annual Audit Report for 2022/23, be noted; and
- (3) the management comments raised to the 2023/24 Value for Money recommendations, be noted and endorsed.

Recommended to Cabinet*MATTERS FOR DECISION UNDER DELEGATED POWERS****AU 25/7 STATEMENT OF ACCOUNTS 2023/24 - AUDIT FINDINGS REPORT**

The report of the Director of Finance and Transformation presented the Audit Findings Report following the review carried out by Grant Thornton UK LLP on the unaudited Statement of Accounts presented to the Audit Committee in July 2024.

The current Statement of Accounts for 2023/24 were attached at Annex 1.

Members noted that the Borough Council's responsible financial officer had certified that the Statement of Accounts presented a 'true and fair view' of the financial position of the local authority at the end of the year and its income and expenditure for the year.

The Audit Findings Report gave two recommendations for the Borough Council as a result of the external audit. These related to non-return of Related party transaction form by Councillors and regular review of prior years' outstanding creditors' balance. More detail was provided in paragraph 5.4 of the report together with the proposed management response under respective issue.

RESOLVED: That

- (1) the enclosed audited set of Accounts for 2023/24 (attached at Annex 1) be received and approved and the Chair of the Audit Committee be asked to sign the Accounts in the appropriate place;
- (2) the Audit Findings Report (attached at Annex 2) and the Management Response, as detailed in paragraphs 5.4 and 5.5 of the report, on the outcome of the audit of the Statement of Accounts for 2023/24, be approved;
- (3) the Letter of Representation (attached at Annex 3) be approved for signature by the Chair of the Audit Committee and the Director of Finance and Transformation once Grant Thornton UK LLP had issued their opinion; and
- (4) appreciation from the Audit Committee to the Financial Services, especially the Accountancy Team, be recorded for the monumental and significant efforts they had made in concluding the Statement of Accounts for 2023/24.

AU 25/8 ACCOUNTING POLICIES

The report of the Director of Finance and Transformation presented the Accounting Policies proposed for the 2024/25 Financial Statements for consideration and endorsement. It was noted that the Accounting Policies remained largely unchanged since 2023/24 and the only significant change was in respect of Leases.

RESOLVED: That the Accounting Policies to be used in the preparation of the 2024/25 Financial Statements, as set out at Annex 1 of the report, be endorsed.

AU 25/9 REVIEW OF ANTI-FRAUD, BRIBERY AND CORRUPTION POLICY AND WHISTLEBLOWING POLICY

The joint report of the Chief Executive and the Director of Finance and Transformation informed Members of the outcome of the annual review of the Borough Council's Anti-Fraud, Bribery and Corruption Policy and Whistleblowing Policy.

The Anti-Fraud, Bribery and Corruption Policy was attached at Annex 1. The Whistleblowing Policy and Procedure were attached at Annexes 2 and 3 respectively. In line with best practice, it was recommended that an external policy was made available to support those working externally to the Borough Council who might witness wrongdoing by officers and councillors. Such a policy was attached at Annex 4 to provide the details on who and how to raise concerns.

RESOLVED: That

- (1) the Anti-Fraud, Bribery and Corruption Policy (attached at Annex 1), be approved:
- (2) the Whistleblowing Policy (attached at Annex 2), be approved; and
- (3) the ability to make any necessary amendments to key contacts held within the Whistleblowing Policy as and when they occur, be delegated to officers.

MATTERS SUBMITTED FOR INFORMATION**AU 25/10 INTERNAL AUDIT AND COUNTER FRAUD PROGRESS REPORT**

Members were provided with an update on work progress of both the Internal Audit and the Counter Fraud Teams for the period September 2024 to December 2024. Details of additions and amendments to be made to the Internal Audit Plan for 2024/25 were also reported and noted.

In addition, the Audit Committee recorded their congratulations to the Kent County Council Internal Audit and Counter Fraud team for winning the 'Excellence In Public Sector Audit' award at the 2024 Public Finance Awards.

AU 25/11 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.46 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 15th January, 2025

Present: Cllr W E Palmer (Chair), Cllr C Brown (Vice-Chair), Cllr B Banks, Cllr S Crisp, Cllr Mrs T Dean, Cllr S A Hudson, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor

Councillors D Thornevell, Mrs S Bell*, D Harman*, M A J Hood* and Mrs A S Oakley* was also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams)

Apologies for absence were received from Councillors R P Betts, P Boxall, M A Coffin and J R S Lark. An apology for in-person attendance was received from Councillor M D Boughton who participated via MS Teams in accordance with Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP2 25/1 DECLARATIONS OF INTEREST

For reasons of transparency, Councillor Mrs M Tatton advised that she was the Parish Clerk for Teston Parish Council who were one of the consultees on application TM/22/01570/OA (Land North East and South of 161 Wateringbury Road). However, as she had not been involved in any decision making regarding the Parish Council's response, this did not represent either a Disclosable Pecuniary or Other Significant Interest and there was no requirement for her to withdraw from the meeting or to not participate in the debate.

Councillors Mrs M Tatton and Councillor R Roud advised that they had no involvement in the statement submitted on behalf of East Malling and Larkfield Parish Council in respect of application TM/22/01570/OA (Land North East and South of 161 Wateringbury Road) and that they had no sight of the report prior to its publication.

AP2 25/2 MINUTES

RESOLVED: That the Minutes of the ordinary and extraordinary meetings of the Area 2 Planning Committee held on 4 December and 12 December 2024 respectively be approved as a correct record and signed by the Chairman.

AP2 25/3 GLOSSARY AND SUPPLEMENTARY MATTERS

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

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

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)**AP2 25/4 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.

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 attention given to the concerns raised by the public speakers. Members expressed significant concern in respect of the potential impact of the proposed development on the surrounding listed buildings and non-designated heritage assets, the harm to the landscape and the East Malling Conservation Area.

Councillor Tatton proposed, seconded by Councillor R Roud that:

(1) the application be refused for the following reasons:

- The proposal would result in less than substantial harm to the Designated Heritage Assets of Huntley Cottage, 122 Wateringbury Road, East Malling, Ivy House Farm and the East Malling Conservation Area especially in relation to the landscape harm and less than substantial harm to the non-designated heritage asset of Belevedere Oast Farm. These adverse impacts would significantly and demonstrably outweigh the public benefits proposed by the application. The proposal would therefore be contrary to paragraphs 215 and 216 of the National Planning Policy Framework (NPPF), Policy CP1 of the TMBCS and Policy SQ1 of the MDE DPD 2020.

- The ecological mitigation measures proposed would not adequately protect the protected species on the site sufficiently to give confidence to the Local Planning Authority that the sequential tests for mitigation had adequately been applied sufficiently that a conclusion cannot be reached to assess the direct impact. The proposal was therefore contrary to paragraph 193(a) of the NPPF and Policy NE3 of the MDE DPD 2020.
 - The development by virtue of its location would not represent a sustainable location in accordance with paragraph 8 of the NPPF and would therefore lead to unacceptable reliance on the private car contrary to paragraph 117 of the NPPF and policies CP1 and CP2 of the TMBCS.
 - The proposed development by virtue of the proximity to the boundary of 51 Wateringbury Road would result in overlooking and loss of amenity to the occupants of that property that could not be satisfactorily ameliorated by landscape proposals. As such the development was contrary to policies CP1 and CP24 of the Core Strategy and the NPPF; and
- (2) the refinement of the wording be delegated to the Director of Planning, Housing and Environmental Health, in consultation with Ward Members.

In accordance with Council Procedure Rule 15.25, Part 4 Rules of the Constitution, it was

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

[Speakers: Cllr V Gillece (on behalf of East Malling and Larkfield Parish Council), Cllr P Coulling (on behalf of Teston Parish Council), Mr T Lock, Mr G Kenward, Mrs N Allen, Mr J Allen, Ms F Saunders, Mr M Crowcroft, Ms K Moore, Mr M Bagely (on behalf of Mrs S Page), Mr M Page, Mr P Jordan, Mr S Brett (members of the public) and Mr A Wilford (on behalf of the Applicant) addressed the Committee in person.]

AP2 25/5 TM/23/03241 - DEVELOPMENT SITE WEST OF WINTERFIELD LANE, EAST MALLING

S73 Application to vary planning condition 11 (Access plans) to TM/19/01814/OA Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular access onto London Road and associated parking and landscaping.

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 attention given to the concerns raised by the public speakers and due consideration given to the retaining and bank options contained in the report.

Members expressed concern in respect of the copse where trees were subject to a woodland Tree Preservation Order (TPO), the design of the cycle/footway and how this would be used, the impact on local character and the landscaping of the area.

RESOLVED: That the application be DEFERRED to allow for further discussion on suitable alternative options to mitigate any impact on the copse which was subject to a woodland Tree Preservation Order.

[Speakers: Cllr K O'Shea (on behalf of Leybourne Parish Council), Mr N Fowler (member of the public) and Mr P Dadswell (on behalf of the applicant) addressed the Committee in person].

AP2 25/6 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

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

AP2 25/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 11.05 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

JOINT STANDARDS COMMITTEE

MINUTES

Monday, 20th January, 2025

Present: Cllr D A S Davis (Chair), Cllr K Barton, Cllr M D Boughton (substitute), Cllr G C Bridge, Cllr J Clokey (substitute), Cllr M A Coffin (substitute), Cllr B A Parry, Cllr R V Roud, Cllr K B Tanner and Cllr C Williams (substitute).

Together with parish/town representatives Mr W Stead (Burham Parish Council), Mr N Newman (Ditton Parish Council), Mr O Baldock (Hadlow Parish Council), Mrs W Palmer (Platt Parish Council), Mr M Carboni (Plaxtol Parish Council) and Prof M McKinlay (Ryarsh Parish Council).

Cllr M Taylor* was also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams)

Apologies for absence were received from Councillors Mrs S Bell (Vice-Chair), Mrs T Dean, J R S Lark and M R Rhodes.

PART 1 - PUBLIC

ST 25/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr Boughton substituted for Cllr Bell
- Cllr Clokey substituted for Cllr Dean
- Cllr Williams substituted for Cllr Lark
- Cllr Coffin substituted for Cllr Rhodes

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

ST 25/2 DECLARATIONS OF INTEREST

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

ST 25/3 MINUTES

RESOLVED: That the Minutes of the meeting of the Joint Standards Committee held on 5 June 2024 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS**ST 25/4 CONSULTATION - STRENGTHENING THE STANDARDS AND CONDUCT FRAMEWORK FOR LOCAL AUTHORITIES IN ENGLAND**

The report of the Monitoring Officer presented the consultation on strengthening the standards and conduct framework, published by the Ministry of Housing, Communities and Local Government on 18 December 2024 (attached at Annex 1), together with a proposed response for approval by the Committee (attached at Annex 2).

The consultation sought views on introducing measures to strengthen the standards and conduct regime in England and ensure consistency of approach amongst council's investigating serious breaches of their member codes of conduct, including the introduction of the power of suspension. Members discussed the proposed responses in detail and their comments were noted. In particular, Members raised concern in relation to Question 24, i.e. that a suspended councillor be banned from council premises and the use of council facilities withdrawn in cases where deemed appropriate, and suggested that this should not be applied to a member who was the subject of an interim suspension.

RESOLVED: That the Borough Council's response to the consultation, as set out in Annex 2, be approved subject to the comments made.

MATTERS SUBMITTED FOR INFORMATION**ST 25/5 COMPLAINTS UPDATE**

The Committee received an update on the complaints made to the Monitoring Officer that a Member may have failed to comply with their authority's code of conduct.

Details of the complaints received since the last meeting of the Joint Standards Committee were set out in Annex 1. Three complaints had been made to the Local Government and Social Care Ombudsman in relation to decisions reached by the Monitoring Officer. Two of these cases related to decisions made by the Monitoring Officer during 2024 with the third relating to a decision made during 2023. In all three cases, the Ombudsman had indicated that it would not investigate the complaints because there was insufficient evidence of fault.

MATTERS FOR CONSIDERATION IN PRIVATE

ST 25/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.32 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

MINUTES

Wednesday, 22nd January, 2025

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

Cllrs R P Betts, M D Boughton*, D Keers*, P M Hickmott, W E Palmer* and Mrs A S Oakley* were also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams)

PART 1 - PUBLIC

GP 25/1 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute members.

GP 25/2 DECLARATIONS OF INTEREST

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

GP 25/3 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 9 October 2024 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 25/4 LOCALISM ACT - PAY POLICY

The report of the Director of Central Services and Deputy Chief Executive summarised the requirements of the Localism Act and presented an updated Pay Policy Statement for 2025/26 as set out in Annex 1 to the report.

Members noted that as there had not been many significant changes in the Borough Council's remuneration policy and that the substantive content of the updated Pay Policy Statement in Annex 1 was nearly identical to the Council's Pay Policy Statement for 2024/25. The key

updates related to the actual pay received by staff, the pay multiple data and the number of officers in specific graded posts.

RECOMMENDED*: That the Pay Policy set out in Annex 1 be commended for adoption at the Council meeting on 18 February 2025.

***Recommended to Council**

MATTERS FOR DECISION UNDER DELEGATED POWERS

GP 25/5 PAY AWARD 2025/26

The report of the Chief Executive provided Members with information to determine the Council's pay award for employees for 2025/26.

The Chair proposed and it was seconded that Council Procedure Rule No 10.11 be suspended, to allow a representative of UNISON to address the Committee on behalf of its members, during which concern was raised in respect of the rise in the cost of living and the impact of inflation. Furthermore, concern was expressed in regard to the negative impact on the recruitment and retention of staff and the sustainability of the Council's operations. Following the statement from UNISON, Council Procedure Rules were reapplied.

Members noted that the Borough Council employees had a term in their contracts which read 'Salaries will be revised on 1 April each year by an amount determined by the Authority having regard to movements in the Retail Price Index, comparative pay settlements and prevailing economic conditions' and the Borough Council therefore determined its own pay awards and was not tied into the national process of collective bargaining. The Borough Council's current salary scales were attached at Annex 1 of the report and UNISON's pay claim for 2025/26 at Annex 2.

During discussion, Members were made aware of the on-going need to make savings and transformation contributions in the context of the Medium-Term Financial Strategy and took into consideration the above inflation rise of the National Living Wage from 1 April 2025 which would increase from £11.44 per hour to £12.21 per hour and the impact on the Council's grades at the lower end of the salary scales.

Councillor J Clokey proposed, seconded by Councillor B Banks that existing salary scales 1 and 2 and spinal point 315 of salary scale 3 be deleted from the Council's pay scale, that the hourly rate of spinal point 316 be increased to £12.60 per hour and that a pay award of 2.9% be applied to all other salary scales, with effect from 1 April 2025. Following a formal vote, the proposal was carried.

RESOLVED: That

- (1) salary scales 1 and 2 of the Council's pay scale, be deleted;
- (2) spinal point 315 of salary scale 3 of the Council's pay scale, be deleted;
- (3) the hourly rate of scale 3, spinal point 316, be increased to £12.60 per hour; and
- (4) a pay award of 2.9% be applied to all other salary scales, with effect from 1 April 2025.

GP 25/6 ADOPTION OF THE MENOPAUSE IN THE WORKPLACE POLICY

The report of the Director of Central Services and Deputy Chief Executive introduced the draft Menopause in the Workplace policy, attached at Annex 1 of the report. The aim of the policy was to demonstrate the Council's commitment to advocating menopause awareness within the workplace.

The implementation of the policy would help ensure that women were not disadvantaged in the workplace and its aim was to ensure that the Council continued to provide a supportive and inclusive working environment for all.

The policy had been developed by Human Resources in liaison with members of the Corporate Safety and Wellbeing Officer Steering Group and had been shared with the Council's Joint Employee Consultative Committee and with UNISON.

RESOLVED: That the Menopause in the Workplace policy, attached at Annex 1 to the report, be implemented.

MATTERS FOR CONSIDERATION IN PRIVATE**GP 25/7 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE**MATTERS FOR DECISION UNDER DELEGATED POWERS****GP 25/8 ESTABLISHMENT REPORT**

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

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

RESOLVED: That

- (1) an allowance paid to the Senior Information Risk Owner for undertaking additional duties, be established;
- (2) the hours of the Senior Planning Officer, post DJ0166, M9, be permanently reduced from 37 to 22.5 hours from 1 April 2025;
- (3) the hours of the Senior Planning Officer, post DJ0167, M9, be permanently reduced from 37 to 30 hours from 1 April 2025;
- (4) the hours of the Team Leader Development Management, post DJ0177, M7, be permanently reduced from 37 to 29.5 hours;
- (5) a new Senior Planning Officer, M9, 29 hours post be permanently established from 1 April 2025;
- (6) the resource from the current vacant posts within the Waste Services Administration Team be transferred to the Customer Contact Centre; and
- (7) posts DG3005, DG3006 and DG3011 be deleted from the Waste Services Administration Team (1.7 FTE) and two new Customer Service Advisor posts (one full time post and one 0.7 FTE post) be created.

RECOMMENDED*: That

- (1) the fixed term post DC0107, Climate Change Officer, 37 hours, be permanently established with effect from 19 February 2025;
- (2) post DJ0318, Principal Planning Officer, be permanently increased from 24 to 32 hours per week;

- (3) post DJ0319, Senior Planning Officer, be permanently increased from 20 to 30 hours per week;
- (4) the vacant post DJ0315, Principal Planning Officer, 37 hours per week, M8, be deleted;
- (5) a new full time, permanent Planning Policy Team Leader post at grade M7, be created;
- (6) post DR0014, Contracts, Procurement and Property Lawyer, be deleted;
- (7) two new part time posts, a Contracts and Procurement Lawyer and a Property Lawyer at 21 hours per week each, be created; and
- (8) the additional costs arising from the report as set out in paragraph 7, be included in the budget for 2025/26.

***Recommended to Council**

The meeting ended at 8.16 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 23rd January, 2025

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

Cllrs M D Boughton, R P Betts*, D Keers*, Mrs M Tatton* 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 Mrs S Bell (Vice-Chair) and D A S Davis

PART 1 - PUBLIC

OS 25/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr J Lark substitute for Cllr D Davis
- Cllr M Rhodes substitute 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.

OS 25/2 DECLARATIONS OF INTEREST

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

OS 25/3 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 14 November 2024 be approved as a correct record and signed by the Chair.

OS 25/4 ANY EXECUTIVE DECISIONS WHICH HAVE BEEN 'CALLED-IN'

Whilst there were no executive decisions 'called-in', the Chair took the opportunity to advise that during 2024 there had been a total of 2 decisions 'called-in' for scrutiny.

The Committee had reviewed decisions related to Parking Proposals and Changes to On and Off-Street Fees and Charges and the NPPF Consultation. A number of recommendations had been made to the executive which had been reflected in revised decision notices being published. This illustrated that the Overview and Scrutiny Committee were successfully holding the executive to account and demonstrated the valuable role undertaken by the Committee.

MATTERS FOR RECOMMENDATION TO THE CABINET**OS 25/5 REVENUE ESTIMATES 2025/26**

The report of the Director of Finance and Transformation and the Cabinet Member for Finance and Housing referred to the responsibility of the Cabinet under the Constitution for formulating initial draft proposals in respect of the Budget and explained that, under the Budget and Policy Framework, one of the responsibilities for the Overview and Scrutiny Committee was to scrutinise the draft Estimates and, where appropriate, make recommendations to Cabinet.

In preparing the Estimates, due regard had been given to the Corporate Strategy and particular consideration given to the need to address a number of key issues including the provision of cost-effective temporary accommodation, the regeneration of Tonbridge, climate change initiatives, transformation to improve efficiency and effectiveness and delivery of the Local Plan.

Other financial considerations included a Settlement Funding Assessment (SFA) for one year only as a result of the recent announcement of a wider Local Government Finance Review due to start in Spring 2025, no further legacy payments for the New Homes Bonus Scheme, under-indexing of the Business Rates Multiplier and an additional grant (Funding Floor) to balance the core spending needs of the Borough Council. Total grant funding for 2025/26 was £5,530,915 which represented a decrease of 8.5% when compared to that received in 2024/25. However, the announcement of a new 'polluter pays' grant meant that the budget position for 2025/26 was positive and options in respect of contributions to the reserves would be presented to Cabinet when finalising the budget.

Attention was also drawn to the ability for district councils to increase council tax up to 3%, or £5 whichever was greater. However, the future financial position remained uncertain and difficult to determine due to the current economic conditions and the lack of detail in respect of future

funding arrangements. It was also anticipated that the Local Government Finance Review would focus on local deprivation factors, as well as need and resources, and Tonbridge and Malling Borough Council were not expected to fair well under this review.

In addition, the recent announcement in respect of 'devolution' and local government reorganisation could bring significant changes in due course. At this point given the relatively uncertainty, financial planning continued in the normal way. The risk would be added to the Strategic Risk Register.

Careful consideration was given to the Revised Estimates for 2023/24 and the draft Estimates for 2025/26 (attached at Annex 1) within the context of the Medium-Term Financial Strategy (MTFS) and the Council's priorities. Variations were detailed in Annex 1 and at 9.2 and 10.2 of the report. Members sought clarification and reassurance on a number of areas including the waste contract, the future of recycling credits from Kent County Council, the provision of leisure facilities and the future of the Anti-Social Behaviour (ASB) Enforcement Team. In response, the Committee noted that the level of service in respect of the waste contract was high, the Borough Council would continue to receive recycling incentives until the end of the current agreement with Kent County Council, the Leisure Trust provided a good service at value for money and a funding model for the continuation of the ASB Enforcement Team was being explored.

Finally, to support scrutiny of the Revenue Estimates information had been provided as to whether a service was mandatory or discretionary (attached at Annex 2) and this was welcomed by Members.

In closing, the Committee recorded appreciation to the Accountancy Team for their significant contribution in preparing the estimates for consideration.

***RECOMMENDED:** That the Revenue Estimates as drafted (attached at Annex 1) be endorsed for consideration by Cabinet at its special meeting on 11 February 2025.

***Recommended to Cabinet**

OS 25/6 CAPITAL PLAN REVIEW 2024/25

The report of the Director of Finance and Transformation and Cabinet Member for Finance and Housing detailed proposals for the Capital Plan for the remainder of 2024/25 and 2025/26 and sought endorsement of recommendations to the Cabinet.

Members were reminded that the capital plan process provided a means of maintaining a pool (List C) from which schemes could be selected for evaluation and possible implementation. It also provided an opportunity

to review the provisions for schemes which were already in the Capital Plan (List A).

It was explained that capital expenditure was currently funded from the revenue reserve for capital schemes, grants from government and other bodies, developer contributions and from capital receipts derived from the sale of assets. In some circumstances other earmarked reserves were used to fund in full or in part appropriate capital plan schemes. However, it was also noted that based on current approvals that from 2029/30 the Borough Council might need to borrow to fund such expenditure.

Proposals for List C which included the addition of 'fast track' schemes in respect of the acquisition of temporary accommodation, Haysden Country Park site improvements, Tonbridge Racecourse Sportsground improvements, Swanmead Sportsground flood alleviation works, Tonbridge Cemetery vaults, the installation of digital CCTV systems at the leisure facilities and boiler replaced at Poult Wood Golf Course were outlined in 9.4 of the report. Funding arrangements and evaluated details for these schemes were set out in Annex 4 and 10.1 to 10.6 of the report.

Attention was drawn to the scheme for the renewal of the roof at Tonbridge Castle Offices (detailed on List A) and the estimate had been revised to reflect current building costs which had significantly increased following the covid pandemic. The latest estimate for works was now £226,000 (up from £70,000) and the estimates had been revised to reflect this increase.

Careful consideration was given to the existing Capital Plan (List A) and List C (as detailed in Annexes 1 – 3) and officers responded to questions raised by Members related to the River Medway Riverside Improvement Scheme, Leybourne Lakes Country Park resurfacing and Tonbridge Wayfinding. In response the Committee was assured that the Riverside Improvement Scheme was recognised as a priority and local Members would be kept updated on progress. It was also noted that the introduction of a new Annual Service Delivery Plan would enable progress on the Scheme to be monitored and challenged. Other queries raised would be addressed out of meeting and if appropriate necessary adjustments to the schemes would be made.

Members recognised the significant financial implications in respect of a number of schemes and were reassured that the costs, risks, works and valuations associated with the projects would be carefully monitored. It was also commented that projects set out should be implemented as soon as possible in advance of local government organisation so that these could be started/completed if the Borough Council no longer existed.

Finally, the Committee recorded appreciation to Officers in Finance Services for their contribution in preparing both the Revenue Estimates and the Capital Plan.

***RECOMMENDED:** That

- (1) the current Capital Plan (List A) position (attached at Annex 1) be noted;
- (2) List C (attached at Annex 3) be amended by Cabinet as detailed in 8.3 of the report;
- (3) the transfer of the seven fast-track evaluated schemes (shown in 9.4 and Annex 4) from List C to List B be commended to Cabinet for endorsement;
- (4) the remaining seven schemes listed in 9.4 be selected for evaluation;
- (5) Cabinet endorse Capital Plan (List B) totalling £4.7m (detailed in Annex 2 and 11.2) transferring to List A, subject to the remaining finance being identified;
- (6) Cabinet be asked to update the Capital Plan (List A) position as recommended above; and
- (7) the Cabinet be invited to endorse the Capital Strategy (attached at Annex 5) for adoption by the Council and publication on the Council's website.

***Recommended to Cabinet**

OS 25/7 ANNUAL SERVICE DELIVERY PLAN 2025/26

The report of the Chief Executive and the Leader introduced an Annual Service Delivery Plan to strengthen links between the Corporate Strategy 2023-27 and the activities of the Borough Council and which set out priority actions for the year. The Plan also provided the opportunity to realign the Key Performance Indicators, strengthened accountability and aligned priorities with budget setting.

A draft Annual Service Delivery Plan for 2025/26 setting out a wide range of activities, milestones and targets was provided at Annex 1.

Members welcomed the introduction of a Service Delivery Plan as a valuable tool in monitoring performance and tracking progress and suggested a number of amendments and corrections which were noted by the Strategic Economic Regeneration Manager including a request for data related to the housing register and empty properties.

With regard to the Borough Council maximising opportunities to influence the implement of the Government's 'devolution' agenda within Tonbridge and Malling (detailed in 13.1 – Efficient and Effective Council – Active) Members discussed options related to areas that did not have parish/town council representation. It was proposed by Cllr Hood, seconded by Cllr Hoskins and supported by the Committee, that the milestone for 13.1 be amended to include:

- (i) Report on progress of any governance review relating to the unparished part of the Borough and any other boundary review of parished areas.

***Recommended:** That

- (1) the report be noted;
- (2) the draft Annual Service Delivery Plan (attached at Annex 1) be commended to Cabinet for approval, subject to the proposed amendment set out in (i) above;
- (3) any updated information addressing current gaps in information be considered during Quarter 1 reporting of the Annual Service Delivery Plan; and
- (4) the process for reporting updates on the Annual Service Delivery Plan, set out in 5.6 to 5.8 be commended to Cabinet for approval.

***Recommended to Cabinet**

MATTERS FOR INFORMATION

OS 25/8 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE

The decisions taken by the Cabinet and Cabinet Members during November and December 2024 were presented for information and noted by the Committee.

The decisions taken by Cabinet Members during the first half of January 2025 were also noted.

OS 25/9 NOTICE OF FORTHCOMING KEY DECISIONS

The Notice setting out Key Decisions anticipated to be taken during February to March 2025 was presented for information. It was also noted that the Notice was subject to change if adjustments were necessary to the reporting timetable.

If there were any issues that the Committee wished to scrutinise, they were invited to raise these with the Chair.

OS 25/10 WORK PROGRAMME

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

Reference was made to the further update in respect of the implementation to Agile and it was explained that there might be a need to report this to Cabinet as well as a result of contractual issues.

OS 25/11 UPDATE ON 'ENGLISH DEVOLUTION WHITE PAPER'

The English Devolution White Paper, released by Government on 16 December 2024, set out plans to widen devolution across England, reform local government and introduce elected Mayors and Strategic Combined Authorities and Unitary Authorities for all parts of the country.

Currently, it was understood that Mayoral Strategic Combined Authorities would be offered additional powers and influence in respect of skills and employment support, transport and local infrastructure, housing and strategic planning, economic development and regeneration, environment and climate change, health, wellbeing and public service reform and public safety.

As a consequence of the Government's proposals for local government reorganisation, District and Borough Councils, the County Council and the single Unitary Council would be abolished and new Unitary Authorities established. These new Authorities would cover a population of at least 500,000 and would be created by bringing together the existing tier one and tier two Councils and functions.

The Chief Executive and Leader provided an update in respect of the indicative timetable and confirmation of which areas had been accepted on to a 'priority programme' was expected by the end of January 2025. If Kent and Medway were confirmed as being on the 'priority programme' initial views on unitary geographies would be invited by March 2025, with a deadline of May 2025 for final Unitary reorganisation proposals. It was also emphasised that the deadline for reorganisation proposals from 'non-priority' areas was Autumn 2025 and that the Government would ultimately decide on the geographies for all areas.

Implications for elected Members and Council staff and the potential risks were highlighted and discussed.

In conclusion, the Government's intent in respect of local government reorganisation was clear, things were moving quickly and it was important to maximise influence to shape outcomes, minimise the period of uncertainty to limit damage to services, staff morale and democracy and to achieve the best outcome for residents and staff.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 25/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 1035pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance and Housing	Decision Number: D250001MEM
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Date: 6 January 2025

Decision(s) and Reason(s)
Extension to Windmill Lane Gypsy & Traveller Site Management Arrangements
(Reasons: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person). Annex 1 (reasons report) contains restricted information and is not for publication for the reasons set out above. However, due regard was given to the proposals set out in that Annex. Following consideration of the options, the Cabinet Member for Finance and Housing RESOLVED that: (1) the current agreement with Kent County Council (KCC) for management of Windmill Lane Gypsy & Traveller site be extended to 31 March 2026 as set out in Annex 1 (restricted report).
Reasons for decision: To ensure continued effective and efficient service delivery.

Signed Cabinet Member for Finance and Housing:	<i>K Tanner</i>
Signed Leader:	<i>M Boughton</i>
Signed Chief Executive:	<i>D Roberts</i>
Date of publication:	8 January 2025

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: D250002CAB

Decision Type: Non-Key

Date: 07 January 2025

Decision(s) and Reason(s)

Procedure on Amendments to Planning including Reserved Matters Applications

Consideration was given to the proposal to replace the Non-Amendments Policy and adopt a new procedure on amendments to planning applications set out in Annex 1.

Following the request of the Housing and Planning Scrutiny Select Committee of 3 December 2024, the Cabinet Member for Planning had consulted with Officers on the amendments as set out in Annex A.

Whilst Cabinet supported the amendments at Annex A, on the grounds that it was not within the power of Planning Committees to force an applicant to make an amendment, it was proposed by Cllr Boughton and seconded by Cllr Taylor that the following change be made:

- Minor amendments will be encouraged following a deferral at an Area Planning Committee, especially on the grounds articulated by Members for a deferral.

RESOLVED: That

- (1) subject to updated wording of one sentence from 'Minor amendments will be accepted where requested by a majority of votes at an Area Planning Committee, to 'Minor amendments will be encouraged following a deferral at an Area Planning Committee, especially on the ground articulated by members for a deferral', the procedure set out in Annex 1, as amended in Annex A, be adopted; and
- (2) the Housing and Planning Scrutiny Select Committee be asked to review the progress of the new procedure after 6 months of operation.

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Committee of 3 December 2024.

Signed Leader:

M Boughton

Signed Chief Executive:

D Roberts

Date of publication:

9 January 2025

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: D250003CAB
Decision Type: Key
Date: 07 January 2025

Decision(s) and Reason(s)

Larkfield Leisure Centre Solar PV Tender

(Reasons: Part 2 – Private: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

Following the Borough Council’s successful application for external grant funding through the Governments Swimming Pool Support Fund, the report of the Director of Street Scene, Leisure and Technical Services and the Cabinet Member for Climate Change, Regeneration and Property summarised the tender process for the installation of solar PV at Larkfield Leisure Centre and sought approval to award the contract.

Cabinet had due regard to the tender evaluation, the financial and value for money considerations, the legal implications and risk assessment detailed in the report and welcomed the potential significant impact on reducing emissions in support of the Council’s target of being carbon neutral by 2030 and protecting the natural environment through onsite generation of electricity.

RESOLVED: That

- (1) the contract to install solar PV at Larkfield Leisure Centre be awarded to Convert Energy

Reasons: As set out in the report submitted to Cabinet of 7 January 2025 (contains exempt information)

Signed Leader:

M Boughton

Signed Chief Executive:

D Roberts

Date of publication:

9 January 2025

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: D250004MEM
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Date: 5 January 2025

Decision(s) and Reason(s)
New Lease Arrangements at the Six In One Community Centre, Northwood Road, Tonbridge
(Private: Reasons LGA 1972 Sch 12A Paragraph 3 - Financial or business affairs of any particular person) Following consideration of the options, the Cabinet Member for Climate Change, Regeneration and Property RESOLVED that: 1) A new lease be granted to the North Tonbridge Community Associated Limited of the Six In One Community Centre, Northwood Road, Tonbridge.
Reasons for decision: The new lease arrangements will enable the tenant to apply for grant funding to make energy improvements to the current facility. We are not aware of any details of any conflict of interest declared by any executive member consulted in relation to the decision.

Signed Cabinet Member for Climate Change, Regeneration and Property:	R Betts
Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	9 January 2025

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: D250005MEM
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Date: 30 January 2025

Decision(s) and Reason(s)
Staffing – Housing Solutions Team
<p>The current Senior Housing Solutions Officer will be absent for up to 12 weeks. Given the continuing focus on the housing solutions work especially around temporary accommodation it is important that the team have some line management on a day-to-day basis and that full capacity within the team is maintained.</p> <p>Following consideration of the proposal, the Cabinet Member for Finance and Housing RESOLVED that:</p> <ol style="list-style-type: none">(1) an acting up post of Senior Housing Solutions Officer is created for up to a 12-week basis and offered to current Housing Solutions Officers;(2) the Housing Solutions Officer post that steps up in the acting Senior role is backfilled for up to a 12-week basis through agency resource; and(3) the maximum cost of £15,919 for these proposals be funded from the Homelessness Reserve.
Reasons for decision:
To ensure continued efficient service delivery. It is also an excellent development opportunity.

Signed Cabinet Member for Finance and Housing:	<i>K Tanner</i>
Signed Leader:	<i>M Boughton</i>
Signed Chief Executive:	<i>D Roberts</i>
Date of publication:	31 January 2025

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.

