

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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**Chief Executive**

Julie Beilby BSc (Hons) MBA

Gibson Building

Gibson Drive

Kings Hill, West Malling

Kent ME19 4LZ

West Malling (01732) 844522

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To: MEMBERS OF THE COUNCIL

Dear Sir/Madam

I hereby summon you to attend a meeting of the Tonbridge and Malling Borough Council which will be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 14th April, 2015 at 7.30 pm, when the following business is proposed to be transacted:-.

### PART 1 - PUBLIC

1. Apologies for absence

2. Declarations of interest

To declare any interests in respect of recommended items

3. Minutes

3 - 12

To confirm as a correct record the Minutes of the meeting of Council held on 17 February 2015

4. Mayor's Announcements

5. Questions from the public pursuant to Council Procedure Rule No 5.6

6. Questions from Members pursuant to Council Procedure Rule No 5.5

7. Leader's Announcements

8. Reports, Minutes and Recommendations 13 - 14

To receive and consider reports, minutes and recommendations from the meetings of the Cabinet and Committees set out in the Minute Book and officers' reports on any matters arising from them, and to receive questions and answers on any of those reports. Matters for recommendation to the Council are indicated below at items 9, 10 and 14 (the latter contains exempt information).

9. Proposed Licence Conditions for the Homeboarding of Dogs and Cats and Dog Day Care Establishments 15 - 34

Item LA 15/17 referred from Licensing and Appeals Committee minutes of 18 March 2015

10. Audit Committee - Annual Report

Item referred from Audit Committee minutes of 7 April 2015

11. Appointments to Outside Bodies 35 - 36

12. Diversion of Public Footpath MR244 (Part) Ightham 37 - 42

13. Sealing of Documents

To authorise the Common Seal of the Council to be affixed to any Contract, Minute, Notice or other document requiring the same.

**PART 2 - PRIVATE**

14. Tonbridge Town Lock Scheme 43 - 54

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

Item CB 15/35 referred from Cabinet minutes of 24 March 2015

JULIE BEILBY  
Chief Executive  
Thursday, 2 April 2015

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### COUNCIL MEETING

Tuesday, 17th February, 2015

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 17th February, 2015

**Present:** Her Worship the Mayor (Councillor Mrs S Luck), the Deputy Mayor (Councillor O C Baldock), Cllr A W Allison, Cllr Mrs J A Anderson, Cllr J Atkins, Cllr J A L Balcombe, Cllr M A C Balfour, Cllr Mrs J M Bellamy, Cllr T Bishop, Cllr P F Bolt, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr C Brown, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr T Edmondston-Low, Cllr Miss J R L Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr Mrs E M Holland, Cllr P J Homewood, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr B J Luker, Cllr Miss A Moloney, Cllr Mrs S Murray, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr M R Rhodes, Cllr H S Rogers, Cllr A G Sayer, Cllr Miss J L Sergison, Cllr Mrs E A Simpson, Cllr C P Smith, Cllr D W Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr D J Trice and Cllr Mrs C J Woodger

Apologies for absence were received from Councillors Ms J A Atkinson, Mrs P Bates, Mrs C M Gale, T J Robins, Miss S O Shrubsole and R Taylor

### PART 1 - PUBLIC

#### **C 15/1 DECLARATIONS OF INTEREST**

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

#### **C 15/2 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the meeting of the Council held on 4 November 2014 be approved as a correct record and signed by the Mayor.

#### **C 15/3 MAYOR'S ANNOUNCEMENTS**

The Mayor reported that since the last Council meeting she had attended many Christmas events such as fayres, carol services, school plays including nativities and parties for senior citizens. She highlighted some memorable events including the Tonbridge Poppy Appeal and Remembrance Sunday Parades, the Light Up a Life Service at The Friars and the Tonbridge Lions Barrel Organ Collection Event.

Reference was also made to the Blessing of the Seas, the Plough Sunday Service at Rochester Cathedral and Tonbridge Local Group of the Royal Society for the Protection of Birds 40<sup>th</sup> Anniversary Celebrations.

The Mayor commented on the Tonbridge Christmas Festival and the switching on of Christmas lights at West Malling and Snodland. She reminded Members of a number of future events including her Dinner at The River Centre, Tonbridge on 28 February and indicated that the Oast Theatre Performance of 'When we are Married' on 24 March was now full. There was still space for teams of three or individuals at the Buckmore Park Karting Evening on 27 April. The Mayor concluded by announcing arrangements for a Dressage Horse Show on Sunday, 19 April at Hadlow College.

**C 15/4 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6**

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

**C 15/5 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5**

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

**C 15/6 LEADER'S ANNOUNCEMENTS**

The Leader began by acknowledging the activity which had taken place in the towns and villages of the Borough throughout the Christmas period and recorded thanks to the town and parish councils, voluntary groups and schools for their hard work in putting on events for local communities and retail centres.

He mentioned that before the next Council meeting Parliament would have been dissolved for the General Election. He referred to Sir John Stanley's retirement as a Member of Parliament after over 40 years of public service and to the wide recognition of his tireless energy and dedication to his constituents.

The Leader indicated that on this occasion he wished to reflect on what had been achieved by the Council against a backdrop of four very challenging years. Councillor Coffin in presenting the Council's budget would say more about the prudent approach taken to protect those services known to matter to the residents whilst striving to deliver value for money. Reference was made to savings of £2.8m which had been achieved through shared services, taking advantage of technological changes – the piloting of a web chat link on the website being the latest – and doing things differently. Members were reminded that the

approach had been independently assessed by the Council's auditors as "a strong focus on effective financial management" and "an effective framework to address financial pressures and to deliver planned savings".

The Leader said that the Council could be proud of its recycling service where residents recycled or composted 43% of household waste. Almost 90% of waste collected was subject to reuse, recycling or energy recovery with only 10% going to landfill. In addition most of the waste was dealt with locally, 85% in Kent. Reference was also made to the "Love Where You Live" campaign which continued to inspire local support and activity. The Council was an Ambassador Authority for the national campaign and a lead authority in the Love Kent campaign with numerous local projects including Bash the Trash events, the Street Monitor scheme, Voluntary Litter Code for businesses, and Bag and Flag dog fouling events.

The Leader expressed pride in the quality of the Council's leisure facilities and increased leisure activity within the Borough, the Easter and Summer programmes for young people and the Youth Forum having been maintained. For older residents the Council had supported the Tonbridge and Malling Seniors and organised events to encourage take-up of services by elderly people within the communities. Sports participation rates had been increased across the Borough by 6% as measured by the Sport England Active People Survey, placing the Borough in the upper quartile in Kent. Initiatives had included Spring into Sport and the Young Cricket Leader Programme together with support for voluntary groups in staging the Tonbridge Half Marathon and continued support for local clubs.

The Leader reflected on the support to local community groups, town and parish councils through the Community Enhancement Fund with £456,000 awarded to over 200 community and voluntary groups and 20 town and parish councils. Reference was made to the fact that for the second year running the Council's support to local town and parish councils had included New Homes Bonus income within the overall settlement. This meant that rather than facing a 13.4% reduction, the Council's support constituted a 1.3% increase resulting in a net benefit to the parishes of £25,243.

The Leader indicated that the successful establishment of a new Leisure Trust, achieving annual revenue savings to the Council of around £500,000, had meant that exceptionally high standards of service delivery could be maintained. External funding had been secured to support continued improvement and investment in the Council's leisure facilities and work in partnership with schools had secured community access to facilities. Most notably this included new floodlit all-weather pitches at Tonbridge, Wrotham and Hayesbrook Schools.

The Council had also delivered a number of high profile events including the Olympic Torch Relay through Borough Green and the welcoming of the Commonwealth Baton to Tonbridge Castle.

The Leader reflected on the proactive approach to stimulating economic activity throughout the Borough, including the provision of grant funding to local traders' groups to boost trade in local retail centres and support for the Tonbridge Town Team and their initiatives to promote trade in the High Street. In partnership with the County Council, the ESCALATE business loan programme had been delivered providing loans with a total value of £850,000. Reference was also made to the Council's role in helping deliver the West Kent LEADER Programme to provide grant support to rural businesses resulting in a total investment of £3.3m across the West Kent area and a successful bid for a new programme for 2015-2020.

The Leader indicated that the Council had been a key member of the successful lobby group that secured the dualling of the A21 between Tonbridge and Pembury and would continue efforts in securing East Facing Slips at junction 5 of the M25. The Council had helped secure a total of £4.36m from the Local Growth Fund to improve junction 4 of the M20 and to enhance Tonbridge High Street, along with a share of a further £4.89m to improve local rail stations including improvements to accommodate the new HS1 service at Snodland.

The Leader referred to the response to the severe flooding last year when emergency financial support had been delivered to over a hundred local businesses directly affected by the 2013/14 flooding in Tonbridge and East Peckham.

The Council had seen considerable success in securing investment from the government's Affordable Homes Programme with over £7m of capital grant funding allocated to its housing association partners between 2015 and 2018 to provide new affordable homes. The 283 constructed or in the pipeline was the highest number of affordable units proposed across the programme.

The Council was reminded that it had consistently featured within the top three authorities in Kent for the most successful implementation of Help To Buy. The Leader referred to the critically important local housing allocations policy which was bringing practical changes to ensure affordable housing to those households which were local and in most need of housing assistance. The Council's planning policy, the Local Development Framework, had delivered a robust land supply for new development which ensured the protection of the best natural and historic features of the Borough through the development control function.

Finally, the Leader reflected on the Council's continued strong influence on rail and bus services by lobbying for better public transport as

highlighted by the “Rail Manifesto” and facilitating new improvements such as the successful bus/rail interchange at West Malling. In conclusion the Leader believed that this was a record of service delivery to be proud of, the record of a “can do” Council.

**C 15/7 SOCIAL MEDIA POLICY**

Item GP 14/22 referred from General Purposes Committee minutes of 13 November 2014

**RESOLVED:** That the recommendations at Minute GP 14/22 be approved.

**C 15/8 CODE OF CONDUCT COMPLAINTS - REVIEW OF ARRANGEMENTS**

Item ST 15/3 referred from Joint Standards Committee minutes of 19 January 2015

**RESOLVED:** That the recommendations at Minute ST 15/3 be approved.

**C 15/9 OVERVIEW AND SCRUTINY COMMITTEE - ANNUAL REPORT**

Item OS 15/3 referred from Overview and Scrutiny Committee minutes of 27 January 2015

**RESOLVED:** That the recommendations at Minute OS 15/3 be approved.

**C 15/10 LOCALISM ACT - PAY POLICY**

Item GP 15/4 referred from General Purposes Committee minutes of 2 February 2015

**RESOLVED:** That the recommendations at Minute GP 15/4 be approved.

**C 15/11 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2015/16**

Item CB 15/3 referred from Cabinet minutes of 3 February 2015

**RESOLVED:** That the recommendations at Minute CB 15/3 be approved.

**C 15/12 UPDATE OF ANTI-FRAUD POLICIES**

Item CB 15/4 referred from Cabinet minutes of 3 February 2015

**RESOLVED:** That the recommendations at Minute CB 15/4 be approved.

**C 15/13 POLICY IN RESPECT OF DISCRETIONARY COUNCIL TAX AWARDS**

Item CB 15/5 referred from Cabinet minutes of 3 February 2015

**RESOLVED:** That the recommendations at Minute CB 15/5 be approved.

**C 15/14 SETTING THE BUDGET FOR 2015/16**

Item CB 15/24 referred from Cabinet minutes of 12 February 2015

It was proposed by Councillor Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 15/24 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr A W Allison, Cllr Mrs J A Anderson, Cllr J A L Balcombe, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs J M Bellamy, Cllr T Bishop, Cllr P F Bolt, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr C Brown, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr T Edmondston-Low, Cllr Miss J R L Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr Mrs E M Holland, Cllr P J Homewood, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr Mrs S Luck, Cllr B J Luker, Cllr Miss A Moloney, Cllr Mrs S Murray, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr M R Rhodes, Cllr H S Rogers, Cllr A G Sayer, Cllr Miss J L Sergison, Cllr Mrs E A Simpson, Cllr C P Smith, Cllr D W Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr D J Trice and Cllr Mrs C J Woodger

Total 45

Members voting against the motion:

Cllr J Atkins

Total 1



Members abstaining:

None

**RESOLVED:** That the recommendations at Minute CB 15/24 be approved.

**C 15/15 SETTING THE COUNCIL TAX FOR 2015/16**

Item CB 15/25 referred from Cabinet minutes of 12 February 2015

It was proposed by Councillor Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 15/25 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr A W Allison, Cllr Mrs J A Anderson, Cllr J A L Balcombe, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs J M Bellamy, Cllr T Bishop, Cllr P F Bolt, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr C Brown, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr T Edmondston-Low, Cllr Miss J R L Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr Mrs E M Holland, Cllr P J Homewood, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr Mrs S Luck, Cllr B J Luker, Cllr Miss A Moloney, Cllr Mrs S Murray, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr M R Rhodes, Cllr H S Rogers, Cllr A G Sayer, Cllr Miss J L Sergison, Cllr Mrs E A Simpson, Cllr C P Smith, Cllr D W Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr D J Trice and Cllr Mrs C J Woodger

Total 45

Members voting against the motion:

Cllr J Atkins

Total 1

Members abstaining:

None

**RESOLVED:** That the recommendations at Minute CB 15/25 be approved and the Council Tax resolution 2015/16, as set out as an Annex to these Minutes, be adopted.

**C 15/16 CHANGES TO THE CONSTITUTION**

The report of the Director of Central Services and Monitoring Officer set out proposals for realignment of responsibilities relating to corporate governance together with amendments to the Constitution to reflect changes in working practices in respect of procurement and delivery of summonses for Council meetings.

In the light of new CIPFA guidance it was considered appropriate to give the Audit Committee overall responsibility for corporate governance matters and a correction to paragraph 1.3.2 of the report was made at the meeting to the effect that where the decision was previously a delegated decision, that delegated power would transfer to the Audit Committee.

Details were given of proposed changes to the Contracts Procedure Rules regarding tendering thresholds. The report also referred to legislative changes which permitted the use of electronic communications in the sending of summonses to meetings.

**RESOLVED:** That the Monitoring Officer be authorised to make the following amendments to the Constitution:

- (1) deletion of the responsibilities of General Purposes Committee in Part 3 – page 6 “Audit: Overview of internal and external audit”;
- (2) revision of Part 3 - page 9 the function of the Audit Committee to be changed to reflect the position statement of CIPFA as set out in paragraph 1.2.1. of the report;
- (3) deletion of Part 3 – page 32 paragraph 7 relating to General Purposes Committee “To consider initially general and specific audit reports from the Audit Commission, the District Auditor and the Director of Finance and Transformation, to make recommendations to Council for future action and to monitor the Council’s implementation of those recommendations.” This responsibility to be transferred to the Audit Committee;
- (4) amendment of Part 3 – page 33 paragraph 1 so as to change Director of Finance and Transformation’s annual report to Chief Internal Auditor’s annual report;
- (5) amendment of Part 3 – page 34 paragraphs 12, 13, 14 and 15 to be removed from the Corporate Governance Framework and to be included under Audit Committee responsibilities;
- (6) under Part 3 - page 73 the reference to the Finance, Innovation and Property Advisory Board responsibility for Benefit Fraud Investigation to be deleted and the core function as set out in

paragraph 1.2.2 of the report to be added to the responsibilities of the Audit Committee;

- (7) under part 3 – page 32 delete paragraph 9 regarding the responsibility of the General Purposes Committee “To approve the Council’s statement of accounts, income and expenditure account and balance sheet”;
- (8) to amend Part 4 of the Constitution to give effect to the changes outlined in the report by amending CPR 3.2, 7.4, 8.3, 11.1, 13.7, 14.2, 14.3 and 14.7 to change those thresholds which are currently set at £75,000 to refer to £100,000;
- (9) to amend rule 7.4 by changing the procedure to be used in column three for contracts valued at £5,000 up to but not including £75,000 to read “at least three written quotes in advance, one to be from a local supplier where possible” and also amending the procedure for contracts valued at £75,000 up to but not including £172,514 to read “At least three written tenders in advance following advertisement by public notice, one to be from a local supplier where possible”. In addition a new note will be added to each such place to explain the meaning of local by adding “\*\*\*For these purposes a local supplier means a supplier which has its principal place of business or an office in Kent”;
- (10) amend paragraph 4.3 of Part 4 of the Constitution (Council and Committee Procedure Rules) so that it reads “At least five clear days before a meeting, the Chief Executive will send a summons to every member of the Council by an appropriate method in accordance with the provisions of the Local Government Act 1972”; and
- (11) delete paragraph 4.5 of Part 4 (Council and Committee Procedure Rules).

#### **C 15/17 APPOINTMENTS TO OUTSIDE BODIES**

Consideration was given to the report of the Director of Central Services regarding the re-nomination of a representative to serve as a Trustee of the Tonbridge United Charity for a further term of office.

**RESOLVED:** That Councillor R Lancaster be re-nominated as a Trustee of the Tonbridge United Charity for a further four year term of office to July 2018.

**C 15/18 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.

The meeting ended at 8.17 pm

# Agenda Item 8

<u>Meeting</u>	<u>Date</u>	<u>Page Nos. in Minute Book</u>	<u>Recommendations to Council</u>
Licensing and Appeals Panels (x4)	18 February	113 – 120	-
Licensing and Appeals Committee	18 March	121 – 123	LA 15/17
Cabinet	24 March	124 – 127	CB 15/35
Licensing and Appeals Panels (x2)	27 March	160 – 164	-
Audit Committee	7 April	To follow	
Area 1 Planning Committee	26 February	AP 23 – 25	-
Area 3 Planning Committee	19 March	AP 26 – 29	-

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### LICENSING & APPEALS COMMITTEE

18 March 2015

#### Report of the Director of Central Services and Monitoring Officer

#### Part 1- Public

#### Matters for Recommendation to Council

#### **1 PROPOSED LICENCE CONDITIONS FOR THE HOMEBOARDING OF DOGS AND CATS AND DOG DAY CARE ESTABLISHMENTS**

**This report details proposals to adopt licensing conditions in respect of the homeboarding of dogs and cats.**

#### **1.1 Background**

- 1.1.1 Section 1 of the Animal Boarding Establishments Act 1963 requires that any person keeping a boarding establishment for other people's dogs or cats must be licensed by the Local Authority. This applies to traditional boarding establishments (i.e. kennels and catteries).
- 1.1.2 A new style of boarding is becoming increasingly popular whereby pet animals are homeboarded in a domestic environment or a boarded just for the day. Recently the Council has become aware of one homeboarder who would like to be licensed.
- 1.1.3 Existing animal boarding licence conditions are not wholly suited to the homeboarding environment.
- 1.1.4 The proposed licence conditions (**Annex 1 & 2**) are based on the Local Government Regulation and British Kennel and Cattery Association model conditions and provide a relevant set of standards and controls for the regulation of homeboarding of cats and dogs and dog day care establishments.
- 1.1.5 The applicant would be required to re-apply for their licence annually.
- 1.1.6 If non-compliances are found, the Licensing Authority would have the following enforcement options:
- i) To advise the license holder in writing of non-compliances and encourage necessary improvements;
  - ii) If the matter is serious, to consider taking legal proceedings against the licence holder;

- iii) If the matter is very serious or if there is repeated non-compliance, to make representation to have the licence revoked.

## 1.2 Legal Implications

- 1.2.1 As set out above

## 1.3 Financial and Value for Money Considerations

- 1.3.1 The current annual licensing fee for an Animal Boarding Establishment is £262. The proposed fee for new homeboarding, dog day care licences and for annual renewals is £150 to cover licensing administration and inspection costs. If in the inspector's opinion a veterinary inspection was also required, the applicant would be charged an additional fee.

## 1.4 Risk Assessment

- 1.4.1 Failure to regulate homeboarding and dog day care establishments will mean that people choosing to board their animals in a domestic setting are not covered by similar controls governing traditional kennels and catteries.

## 1.5 Equality Impact Assessment

- 1.5.1 See 'Screening for equality impacts' table at end of report

## 1.6 Recommendations

- 1.6.1 The Committee is **RECOMMENDED** to:

- i) adopt the licence conditions detailed in Annex 1 & 2 and

Background papers:

Nil

contact:

Melanie Henbest 6192

Anthony Garnett 6151

Adrian Stanfield

Central Services Director and Monitoring Officer



<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	All applicants requiring a home boarding licence are subject to the same licence conditions.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	All groups are treated equally through the adoption of new licensing conditions.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*

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## **Annex 1**

### **Animal Boarding Establishment Act 1963**

#### **Conditions for homeboarding of cats and dogs**

##### **GENERAL**

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs and/or cats {delete as appropriate} have access and/or which are used in association with the boarding of dogs and/or cats {delete as appropriate}.
- 1.2 No dog breed specified under Schedule 1 under the Dangerous Dogs Act 1991(as amended) must be accepted for home boarding.
- 1.3 The Licensee must not knowingly accept any dog, which has been subject to successful action under Section 3 of the Dangerous Dogs Act 1991(as amended).
- 1.4 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.
- 1.5 Entire males and bitches in season or bitches due to be in season or bitches due to be in season during boarding, including resident dogs, should not be boarded together.
- 1.6 Entire males and queens in season must not be boarded with other cats. Kittens under 6 months of age must not be boarded with any other cats unless it is their mother.
- 1.7 Puppies under 6 months must not be boarded with other dogs.
- 1.8 The local authority must be satisfied that the licensee is not disqualified from keeping animals under any relevant legislation and has experience as a dog or cat {delete as appropriate} owner.
- 1.9 The appointed officer of the Licensing Authority can, at any reasonable time, have a right of entry onto the premises for the purpose of carrying out any of the relevant statutory provisions. To enable these provisions to be carried out, the appointed officer may take any other person authorised by the Council that may be considered necessary.
- 1.10 The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance. Certificates of insurance must be produced on request to clients or the Licensing Authority.
- 1.11 Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received

because of particular noise or odour problems, then the Licensing Authority reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.

## **2. LICENCE DISPLAY**

- 2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder.

## **3. NUMBERS OF ANIMALS**

- 3.1 The maximum number of dogs or cats {delete as appropriate} to be boarded at any one time is (enter number)
- 3.2 Only dogs or cats {delete as appropriate} from one family may be boarded at any one time.
- 3.3 Dogs must not be boarded with any cat, unless they normally live together in the same household.
- 3.4 Cats must not be boarded with any dog, unless they normally live together in the same household.
- 3.5 Where there is a resident cat or dog kept in the household, written consent from the owners of the boarded dog/cat {delete as appropriate} must be gained following a trial familiarisation session.

## **4. CONSTRUCTION**

- 4.1 Dogs or cats {delete as appropriate} must live in the home as family pets. There must be no external construction of buildings, cages or runs.
- 4.2 The premises shall have its own entrance and must not have shared access e.g. communal stairs.
- 4.3 There must be adequate space, light, heat and ventilation for the dogs or cats {delete as appropriate}.
- 4.4 As far as reasonably practicable all areas/rooms within the home to which boarded dogs or cats {delete as appropriate} have access, must have no physical or chemical hazards that may cause injury to the dogs or cats {delete as appropriate}.

- 4.5 There must be sufficient space available to be able to keep the dogs or cats {delete as appropriate} separately if required.

## **5 EXERCISE FACILITIES**

- 5.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owners written permission.
- 5.2 There must be direct access to a suitable outside area. The are/garden must only be for the home owner (not shared with other residents). The area must be kept clean.
- 5.3 The exercise area/garden area of the premises and any other area to which boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.
- 5.4 If there is a pond or pool, it must be covered to avoid drowning.
- 5.5 Dogs or cats {delete as appropriate} must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.
- 5.6 Cats must not be allowed outside unless they are on leads, or with the owner's written permission.
- 5.7 A double door system must be employed so that no cat has direct access to any external door in regular use.
- 5.6 The Licensing Authority must be informed on the next working day if a dog or cat {delete as appropriate} is lost.

## **6 MANAGEMENT**

### **6.1 TRAINING**

- 6.1.1 The Licensee must be able to demonstrate that they are competent to care for their boarders.
- 6.1.2 A written training policy for staff must be provided. Staff must be trained in the safe handling of animals, emergency procedures and all relevant licence conditions that are applicable to their work. Staff should also be regularly vaccinated against Tetanus.

## **6.2 CLEANLINESS**

- 6.2.1 All areas where the dogs or cats {delete as appropriate} have access to, including the kitchen etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog or cat {delete as appropriate} comfort.
- 6.2.2 All excreta and soiled material must be removed from all areas used by dogs or cats {delete as appropriate} at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.
- 6.2.3 Suitably sized impermeable litter trays, which are easy to clean and disinfect must be provided at all times. These must be emptied and cleansed at least once a day and as necessary at any time during the day if found to be unduly soiled. A suitable material for litter must be provided.
- 6.2.4 All bedding areas must be kept clean and dry.
- 6.2.5 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs or cats {delete as appropriate} with infectious diseases. The final route for all such waste shall comply with current waste regulations.
- 6.2.6 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.
- 6.2.7 Premises must be thoroughly disinfected between each boarding visit.
- 6.2.8 Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to animals.

## **6.3 FOOD AND WATER SUPPLIES**

- 6.3.1 All dogs or cats {delete as appropriate} shall have an adequate supply of suitable food as directed by the client.
- 6.3.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.
- 6.3.3 Suitable bedding, bowls, grooming materials etc must be provided. Clients may be encouraged to provide their own items. These items must be

cleaned regularly to prevent cross-infection. The Licensee must also be able to provide extra materials.

- 6.3.4 Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog or cat {delete as appropriate} must be provided with its own bowl.

#### **6.4 KITCHEN FACILITIES**

- 6.4.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak proof containers in the fridge.
- 6.4.2 All bulk supplies of food shall be kept in vermin proof containers. These must be stored in a separate area from where the dog or cats {delete as appropriate}is kept.
- 6.4.3 A separate sink from the household sink must be used for washing dog bowls etc.

#### **6.5 DISEASE CONTROL AND VACCINATION**

- 6.5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs or cats {delete as appropriate}, staff and visitors.
- 6.5.2 Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer's instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.
- 6.5.3 Proof must be provided that boarded and resident cats have current vaccinations against infectious feline enteritis, feline respiratory disease and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer's instructions. A record that this proof has been supplied must be kept on-site throughout the period that the cat is boarded.
- 6.5.4 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog or cat {delete as appropriate} is sick or

injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.

- 6.5.4 A well-stocked first-aid kit suitable for use on dogs or cats {delete as appropriate} must be available and accessible on site.
- 6.5.5 The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.
- 6.5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in premises, boarded and resident dogs or cats {delete as appropriate}. Proof must be maintained for all routine and emergency treatments for parasites.
- 6.5.7 The premises shall be treated for fleas and parasites with an effective product as necessary.

## **6.6 ISOLATION AND CONTAGIOUS DISEASE OUTBREAK.**

- 6.6.1 Dogs or cats {delete as appropriate} showing signs of any disease or illness shall be isolated from any other dogs or cats {delete as appropriate} and kept within the premises until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.
- 6.6.2 The Licensee must inform the Council without delay if a dog or cat {delete as appropriate} develops an infectious disease.
- 6.6.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority with advice from a veterinary surgeon.
- 6.6.4 The Council must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at a veterinary surgeon's premises until the owners return unless directed otherwise by the owner or their representative.

## **6.7 REGISTER**

- 6.7.1 A register must be kept of all dogs or cats {delete as appropriate} boarded. The information kept must include the following:
  - Date of arrival



- Name of dog or cat {delete as appropriate}, any identification system such as microchip number, tattoo
- Description, breed, age and gender of dog or cat {delete as appropriate}
- Name, address and telephone number of owner or keeper
- Name, address and telephone number of contact person whilst boarded
- Name, address and telephone number of veterinary surgeon
- Anticipated and actual date of departure
- Proof of current vaccinations, medical history and requirements
- Details of any treatment administered whilst the animal is being boarded
- Health, welfare nutrition and exercise requirements
- Copy of written consent from the owner regarding boarding their animal with other dogs or cats {delete as appropriate}.

6.7.2 Such a register is to be available for inspection at all times by an authorised officer of the Licensing Authority and/or a veterinary surgeon.

6.7.3 The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.

6.7.4 If medication is to be administered, this must be recorded.

6.7.5 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

## **6.8 SUPERVISION**

6.8.1 A fit and proper person with relevant experience must always be available to exercise supervision and deal with emergencies whenever dogs or cats {delete as appropriate} are boarded at the premises. This person must not have any conviction or formal Cautions for any animal welfare related offence.

6.8.2 Dogs or cats {delete as appropriate} must not be left unattended for longer than 3 hours at a time and then not on a regular basis.

6.8.3 No home where there are children under 5 years of age will be licensed.

6.8.4 Only people over 16 years of age are allowed to walk the dogs unsupervised in public places.

## **6.9 FIRE / EMERGENCY PRECAUTIONS**

- 6.9.1 Appropriate steps must be taken for the protection of the dogs or cats {delete as appropriate} in case of fire or other emergencies.
- 6.9.2 The occupier of the property must be aware of the location of the dogs or cats {delete as appropriate} in the property at all times.
- 6.9.3 Careful consideration needs to be given to the sleeping area for dogs or cats {delete as appropriate} to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.
- 6.9.4 A fire warning procedure and emergency evacuation plan – including details of where dogs or cats {delete as appropriate} are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises. The Licensee must have suitable arrangements for the temporary boarding of dogs or cats {delete as appropriate} in the event that the licensed premises is rendered uninhabitable.
- 6.9.5 Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer. The home must have at least 2 working smoke detectors located at the top & bottom of the staircase, or other appropriate location.
- 6.9.6 All doors to unoccupied rooms must be kept shut at night.
- 6.9.7 All electrical installations and appliances must be maintained in a safe condition. No dog or cat {delete as appropriate} must be left in a room with loose or trailing cables or wires.
- 6.9.8 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or unsealed oil appliances. Any other freestanding appliances must be kept in a safe, secure manner and should not be easily knocked over by boarding dogs or cats {delete as appropriate}.
- 6.9.9 A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of emergency. These details must be made available to the Licensing Authority.

## **6.10 TRANSPORT**

- 6.10.1 If a collection or delivery service is provided, a suitable vehicle with a guard, cage or other suitable restraint must be used.

## **Annex 2**

### **Animal Boarding Establishment Act 1963**

#### **Conditions for a licence for a day care dog boarding establishment**

##### **GENERAL**

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or are used in association with the boarding of dogs.
- 1.2 Dogs are not permitted to be boarded overnight.
- 1.3 The Licensee must not knowingly accept any dog, which has been subject to successful action under Section 3 of the Dangerous Dogs Act 1991(as amended).
- 1.4 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.
- 1.5 Written consent must be received from every dog owner before any dog is placed into the establishment for the first time, confirming that they agree that their dog(s) may socialise with other dogs.
- 1.6 Pre-screening of dogs must be undertaken prior to them being accepted into the day care centre to ensure they will be comfortable in the presence of other dogs and will not be a danger to dogs, staff or other visitors.
- 1.7 The licensee must not be disqualified from keeping animals under any legislation.
- 1.8 The appointed officer of the Licensing Authority can, at any reasonable time, have a right of entry onto the premises for the purpose of carrying out any of the relevant statutory provisions. To enable these provisions to be carried out, the appointed officer may take any other person authorised by the Council that may be considered necessary.
- 1.9 The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance. Certificates of insurance must be produced on request to clients or the Licensing Authority.
- 1.10 Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received because of particular noise or odour problems, then the Licensing Authority reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.

## **2. LICENCE DISPLAY**

- 2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the boarding establishment.

## **3. NUMBERS OF ANIMALS**

- 3.1 The maximum number of dogs to be kept at any one time is #
- 3.2 No animals other than dogs are to be boarded within the licensed facilities without the written approval of an authorised officer from Tonbridge & Malling Borough Council.

## **4. CONSTRUCTION**

- 4.1 The establishment must, at all times, be laid out and operated in accordance with an approved plan of the premises, to be attached to the licence. Before carrying out any alterations, plans must be submitted to and approved by an authorised officer of Tonbridge & Malling Borough Council.
- 4.1.1 Wood should not be used in exposed construction of walls, floors, partitions, door frames or doors in the licensed premises. There must be no projections liable to cause injury.
- 4.1.2 The construction of the premises must be such that the security of the dog is ensured and that it is safe.
- 4.1.3 Any exterior wood must be properly treated against wood rot. Only products which are not toxic to dogs must be used.
- 4.1.4 All internal surfaces such as walls, floors, partitions, doors and door frames are to be durable, smooth, impervious and capable of being easily cleaned. There must be no projections or rough edges liable to cause injury.
- 4.1.5 Junctions between wall and floor sections should be coved. If impractical in existing premises, all joints must be sealed.
- 4.1.6 A double gate system must be provided at all entrances and exits to the premises to prevent the escape of dogs.
- 4.1.7 Doors must be strong enough to resist impact and scratching and must be capable of being effectively secured.

- 4.1.8 All windows that pose a security risk must be escape-proof at all times and where necessary windows must be suitably protected against contact and breakage by dogs.
- 4.1.9 The establishment must be connected to mains drainage or an approved, localised sewage disposal system.
- 4.2. Floors must have effective means of drainage where necessary.
- 4.2.1 Adequate lighting must be provided in all areas which are, or may be, used in connection with the establishment so that all parts are clearly visible at all times that the business is in operation. Where practicable this must be natural light.
- 4.2.2 Adequate ventilation must be provided to all interior areas.
- 4.2.3 Suitable and safe means shall be provided for heating, to an appropriate temperature, of all common indoor areas.
- 4.2.4 Maintenance and repair of the whole establishment must be carried out regularly so as to maintain it in a suitable condition.

## **5 EXERCISE FACILITIES**

- 5.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owners written permission.
- 5.2 There must be direct access to a suitable outside area. The are/garden must only be for the home owner (not shared with other residents). The area must be kept clean.
- 5.3 The exercise area/garden area of the premises and any other area to which boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.
- 5.4 If there is a pond or pool, it must be covered in such a way as to prevent drowning.
- 5.5 Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.

## **6 MANAGEMENT**

### **6.1 TRAINING**

- 6.1.1 Staff must receive the necessary training and instruction in their duties relating to dog care. All records of training must be kept for inspection by an authorised officer of Tonbridge & Malling Borough Council.

### **6.2 CLEANLINESS**

- 6.2.1 All areas where the dogs have access to, including the kitchen etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
- 6.2.2 All excreta and soiled material must be removed from all areas used by dogs or cats {delete as appropriate} at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.
- 6.2.4 All bedding must be kept clean and dry.
- 6.2.5 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.
- 6.2.6 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

### **6.3 FOOD AND WATER SUPPLIES**

- 6.3.1 All dogs shall have an adequate supply of suitable food as directed by the client.
- 6.3.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least daily.
- 6.3.3 Where necessary, eating vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal.

## **6.4 KITCHEN FACILITIES**

- 6.4.1 If food is provided, exclusive facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the dogs.
- 6.4.2 Where fresh and cooked meats are stored, refrigeration facilities must be provided, and potential food contamination must be avoided.
- 6.4.3 A sink with hot and cold running water must be provided for the washing of food equipment and eating and drinking vessels. A separate wash-hand basin with hot and cold (or appropriately mixed warm) running water must be provided for staff with soap and hygienic hand drying facilities.
- 6.4.4 Suitable containers for storing foods must be provided and must be constructed and maintained to guard against insects and other pests. All food must be kept in these containers unless it is otherwise protected (e.g. individual tinned food). These containers must be capable of being easily cleaned and disinfected and must be kept in a clean condition.

## **6.5 DISEASE CONTROL AND VACCINATION**

- 6.5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.
- 6.5.2 Dogs attending the day care facility must have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus, Bordatella Kennel Cough and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of attendance or in accordance with manufacturer's instructions. A record that this proof has been supplied must be kept on-site.
- 6.5.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.
- 6.5.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.
- 6.5.5 The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.

- 6.5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in premises and boarded dogs.
- 6.5.7 The premises shall be treated for fleas and parasites with an effective product as necessary.
- 6.5.8 A suitable range of muzzles of varying sizes and a suitable dog catching device must be kept on site.

## **6.6 ISOLATION AND CONTAGIOUS DISEASE OUTBREAK.**

- 6.6.1 Dogs showing signs of any disease or illness shall be isolated from any other dogs } and kept within the premises until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.
- 6.6.2 The Licensee must inform the Council without delay if a dog develops an infectious disease.
- 6.6.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority with advice from a veterinary surgeon.
- 6.6.4 The Council must be informed of any animal death on the premises.
- 6.6.5 The isolation facilities should be maintained at a temperature suitable for the dog, dependent on veterinary advice.
- 6.6.6 Hands must be washed after leaving the isolation facility and before handling other dogs.

## **6.7 REGISTER**

- 6.7.1 A register must be kept of all dogs attending the licensed establishment. The information kept must include the following:
- Times and days of boarding
  - Name of dog, any identification system such as microchip number or tattoo
  - Description, breed, age and gender of dog
  - Name, address and telephone number of owner or keeper
  - Name, address and telephone number of contact person if different to owner or keeper
  - Name, address and telephone number of veterinary surgeon
  - Proof of current vaccinations, medical history and requirements
  - Details of any treatment administered whilst the animal is being boarded



- Health, welfare nutrition and exercise requirements
- 6.7.2 Such a register is to be available for inspection at all times by an authorised officer of the Licensing Authority and/or a veterinary surgeon.
- 6.7.3 The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.
- 6.7.4 If medication is to be administered, this must be recorded.
- 6.7.5 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

## **6.8 SUPERVISION**

- 6.8.1 A fit and proper person with relevant experience must always be available to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal Cautions for any animal welfare related offence.
- 6.8.2 Adequate staffing must be provided to ensure continual supervision and safety of all the dogs. The ratio of dogs to staff at any one time shall not exceed 6:1.
- 6.8.3 Dogs must not be left unattended for longer than 3 hours at a time and then not on a regular basis.
- 6.8.4 No home where there are children under 5 years of age will be licensed.
- 6.8.5 Only people over 16 years of age are allowed to walk the dogs unsupervised in public places.

## **6.9 FIRE / EMERGENCY PRECAUTIONS**

- 6.9.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.
- 6.9.2 A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises.

- 6.9.3 Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer and must be properly maintained.
- 6.9.4 All electrical installations and appliances must be maintained in a safe condition.
- 6.9.5 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or unsealed oil appliances. Any other freestanding appliances must be kept in a safe, secure manner and should not be easily knocked over by dogs.
- 6.9.6 There must be adequate means of raising an alarm in the event of a fire or other emergency.

## TONBRIDGE & MALLING BOROUGH COUNCIL

### COUNCIL

14 April 2015

#### Report of the Director of Central Services

#### Matters For Decision

#### 1 APPOINTMENTS TO OUTSIDE BODIES

**To consider the nomination of a person to serve as a Trustee of the Tonbridge Town Lands and Richard Mylls Charity as a replacement for Mr N Acaster MBE.**

#### 1.1 Background

- 1.1.1 A letter has been received from Mr Norman Acaster MBE tendering his resignation as a Trustee of the Tonbridge Town Lands and Richard Mylls Charity. Mr Acaster's period of office was due to expire in October 2017 and that of the remaining three Trustees in October 2016. The Charity is reviewing the terms of the Trustees (Town Wardens) and has agreed that greater continuity could be gained if only two were due for reappointment at one time. To achieve this, Mr Acaster's replacement will initially be appointed for three years to October 2018. It is proposed that on the expiry of the terms of office of the other Trustees, one will be eligible for reappointment to 2018 and two until 2020. Thereafter four year terms for all the Trustees will follow.
- 1.1.2 The Council has accordingly been invited to nominate a person to serve until October 2018. Trustees need to know and have a keen interest in the Tonbridge area and the existing Trustees have put forward the name of Mr Eddie Prescott for consideration. They indicate that Mr Prescott, throughout his life in Tonbridge, has been much involved in the local scene, being an active member and former President of Tonbridge Rotary Club.

#### 1.2 Legal Implications

- 1.2.1 None.

#### 1.3 Financial and Value for Money Considerations

- 1.3.1 Not applicable.

**1.4 Risk Assessment**

1.4.1 Not applicable.

**1.5 Equality Impact Assessment**

**1.6** The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

**1.7 Recommendations**

1.7.1 RECOMMENDED that the Council consider the appointment of a replacement Trustee for the term of office to October 2018.

Background papers: Letter from Clerk to the Trustees dated 17 March 2015.

contact: Claire Fox

Adrian Stanfield  
Director of Central Services

## TONBRIDGE & MALLING BOROUGH COUNCIL

### COUNCIL

14 April 2015

#### Report of the Director of Central Services

#### Part 1- Public

#### Matters For Decision

#### 1 DIVERSION OF PUBLIC FOOTPATH MR244 (PART) IGHTHAM

**Summary:** To seek authority to divert Public Footpath MR244 (part) at Ightham under the provisions of section 257 of the Town and Country Planning Act 1990.

- 1.1 An application has been received to divert Public Footpath MR244 (part) (as shown in Appendix A) at Ightham. The application was made by Katy Yarnold on behalf of O'Keefe Ltd to whom planning consent has been granted to enable the development of Cricketts Farm to be used for construction maintenance and repair of heavy plant machinery. The existing route would run through a new building and the proposed route would take the right of way away from the development for safety and beneficial enjoyment reasons.
- 1.1.1 The administration procedures relating to applications to divert public rights of way affected by development are dealt with by Kent County Council, acting on behalf of the Borough Council. However, the Borough Council is responsible (in its capacity as the Authority that granted planning permission) for making and confirming any public path diversion order which relates to development.
- 1.1.2 The diverted route of MR244 would enter the development from the south in the same location as the existing definitive alignment. The proposed route will continue north east and then north along the boundary of the site. The weighbridge currently on this section of proposed route will be removed and appropriate fencing will be erected between the development site and the path. The route will then turn east along the northern boundary of the site, joining the existing route north and east of the main farm buildings. At the point where it turns east, it descends a steep bund and this gradient will be significantly reduced to a maximum of 1 in 12. The new route will have a minimum width of 2.5m and surfaced with compacted type 1 sub-base.

#### 1.2 Procedure

- 1.2.1 Tonbridge and Malling Borough Council may make and Order under section 257 of the Town and Country Planning Act 1990 to divert a public right of way to enable development to take place.

### 1.3 Consultations

- 1.3.1 Consultations have been carried out as required by the Act and no objections have been received.
- 1.3.2 Borough Councillor Rodney Chartres and County Councillor Valerie Dagger have been consulted. No objections have been received.

### 1.4 Legal Tests

- 1.4.1 Section 257 of the Town and Country Planning Act 1990 “The 1990 Act” states that “a competent authority may by Order, authorise the stopping up or diversion of any footpath, bridleway or restricted byway if it is satisfied that it is necessary to do so in order for development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990.” Or “if it is satisfied that an application for planning permission has been made under Part 3 of that Act and if the application were granted it would be necessary to authorize the stopping up or diversion of the footpath, bridleway or restricted byway....to enable development to be carried out”.
- 1.4.2 To satisfy the test there must be conflict between the development and the right of way. Section 55 of the 1990 Act defines development as “the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of a material change in the use of any buildings or other land”.
- 1.4.3 Although the above is the only test, the Secretary of State has discretionary powers to balance the need for development against the effect on the public rights and enjoyment of the highway. The planning authority must therefore act in a quasi-judicial manner to consider the relevant merits of any application.
- 1.4.4 In addition consideration should be given to the case of *Vasiliou v. Secretary of State and Others [1991]* where the Court of Appeal held that the effect an Order would have on those entitled to the rights which would be extinguished had to be taken into account.
- 1.4.5 Circular 1/09 – published by DEFRA - contains the following advice to planning authorities: “The local planning authority should not question the merits of the planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a

result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order”.

## 1.5 The Case

- 1.5.1 As stated above an application has been received to divert part of Public Footpath MR244 in order to enable the development of Cricketts Farm to take place. Consent for the development was granted as a result of the Planning Application 14/00182/FL. There is no negative effect on public rights and enjoyment of the highway. The new route will run alongside the boundary of the site to be developed, taking the public away from the hard standing area that will be used for Construction maintenance and repair of heavy machinery. The proposed route will be cleared of all current obstruction and undergrowth, affording better public safety and enjoyment. All points will be waymarked with correct signage as deemed necessary. An assessment under the Equality Act 2010 has been undertaken and there will be no adverse impact on the use of the affected path as a result of the diversion.
- 1.5.2 Kent County Council is satisfied that the legal tests are met in all respects in that the Borough Council has granted planning consent under Part III of the Town and Country Planning Act 1990 for the development of the site, and that this section of MR244 as per the plan attached would be adversely affected by such development.

## 1.6 Recommendations

- 1.6.1 It is **RECOMMENDED** that approval be given by the Council to:
- 1) the making of an order under section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath MR244 (part) at Ightham, shown at Appendix A to this report in order for development to be carried out.
  - 2) the confirmation of the order, if unopposed; or
  - 3) referral of the order to the Planning Inspectorate if any objections are Sustained.

### Background Documents:

APPENDIX A - Plan showing the proposed diversion of Public Footpath MR244 (part), Ightham

APPENDIX B - Definitive Map showing existing route of MR244.

**Case reference:** PROW/MR244/022/TMBC

Contact: Cliff Cochrane

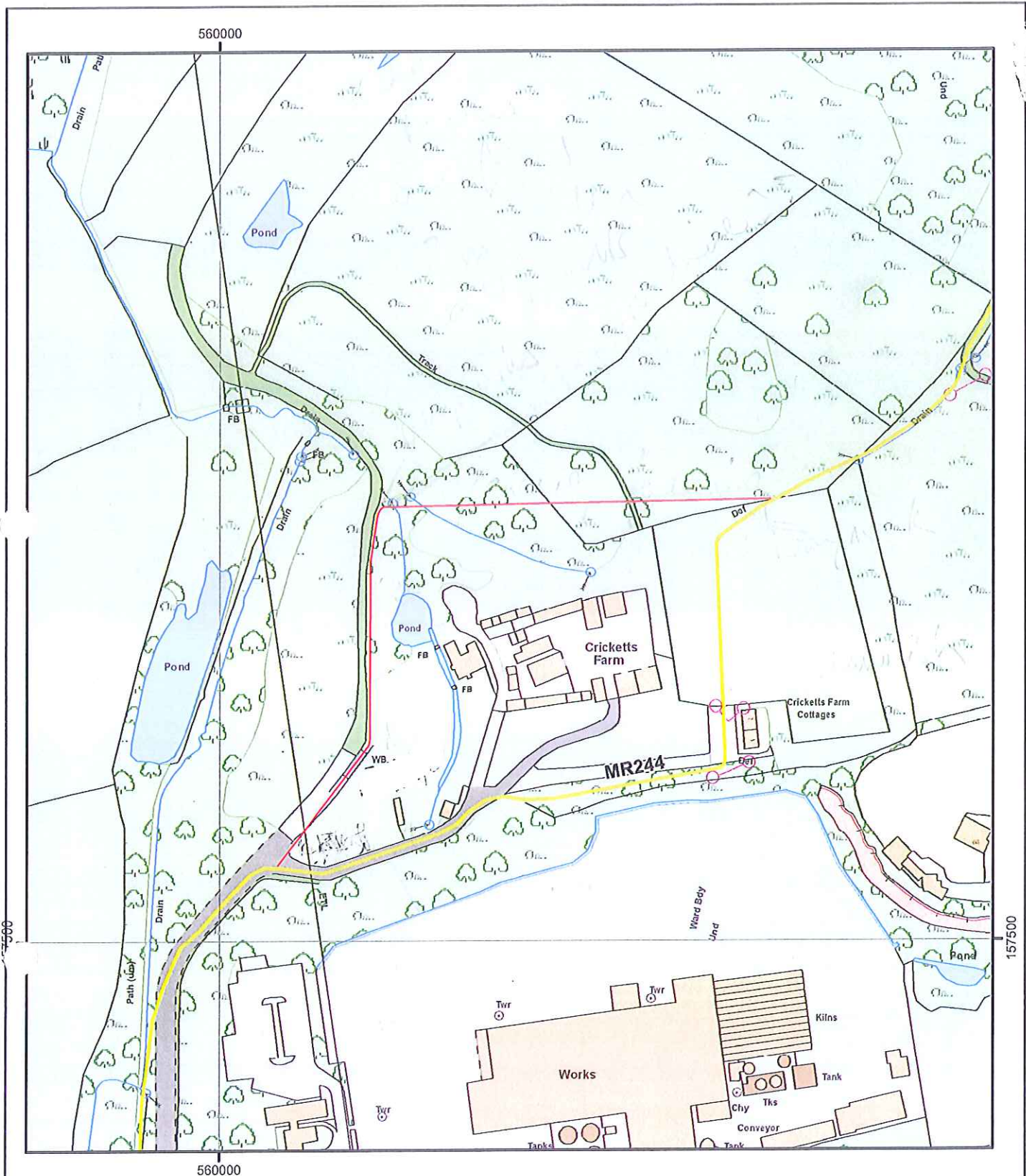
**Kent County Council Contact Officer:** Kate Beswick

Tel: 03000 413331

Adrian Stanfield

Director of Central Services





**Key**

- Public Footpath
- Public Bridleway
- Restricted Byway
- Byway Open to All Traffic

**Proposed diversion of Public Footpath MR244**

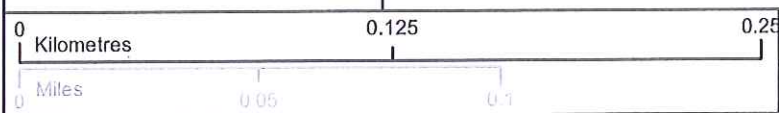
Produced by the KCC Public Rights of Way and Access Service

Please note: this map extract is not a legal record of the alignment or existence of a public right of way. No measurements should be taken from it.

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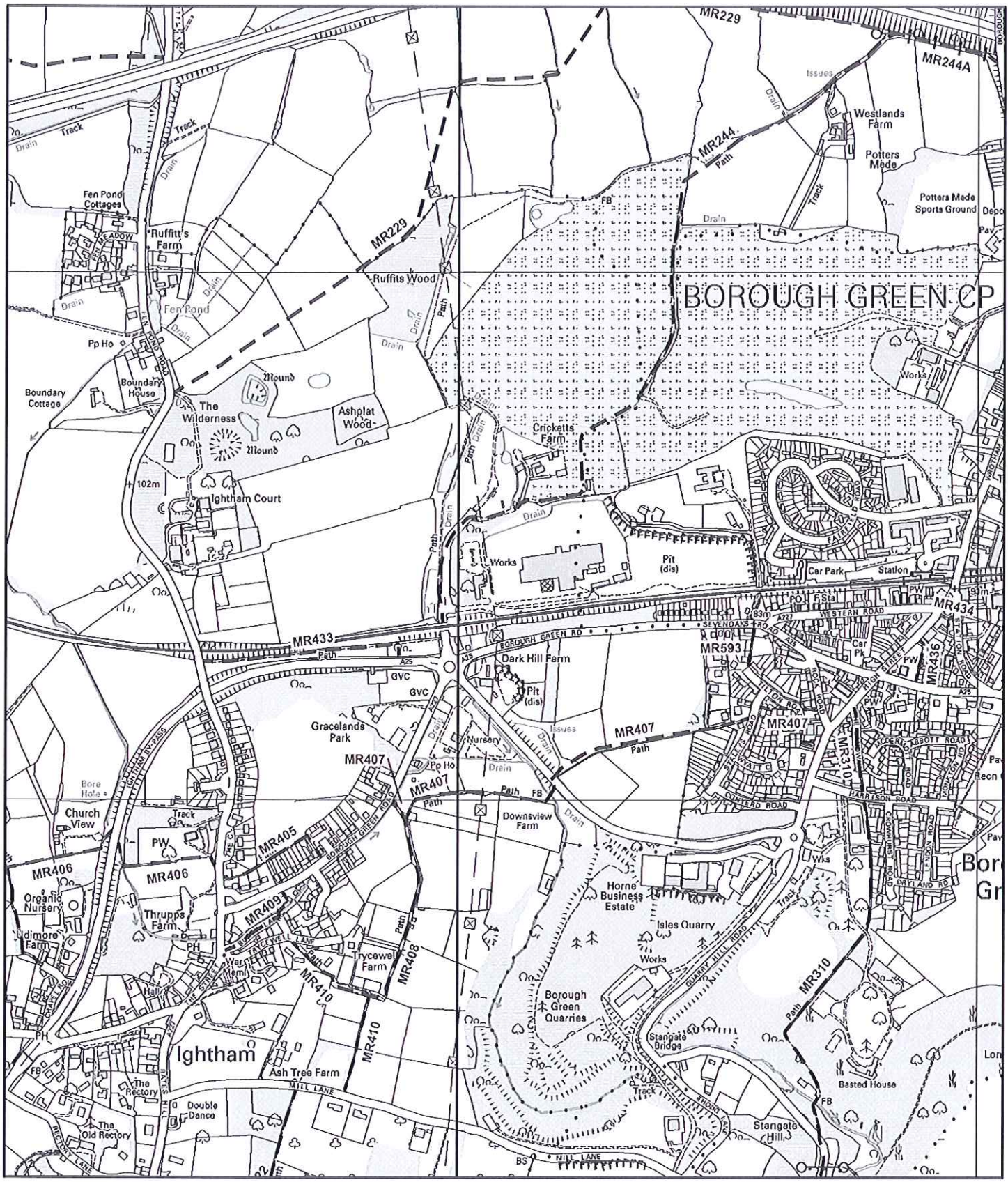


1:2,500



Created by:	LJW	Issue Date:	Dec 2014
Checked by:	LJW	Reference:	PROW/MR244





- — Footpath
- |— Bridleway
- ∨ ∨ Restricted Byway
- ∧ ∨ Byway Open to All Traffic
- Point path number or status changes
- ■ ■ Boundary of area covered by 1:2500 scale Network Map
- ▨ Area covered by 1:2500 scale Network Map

**EXTRACT OF THE WORKING COPY OF THE  
DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY  
FOR THE COUNTY OF KENT**

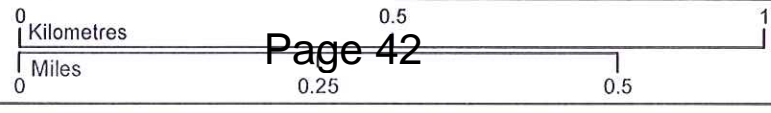
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