

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

8 February 2017

To: MEMBERS OF THE PARISH PARTNERSHIP PANEL  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Parish Partnership Panel to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 16th February, 2017 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

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## DISTRIBUTION

### Borough Council Representatives

Cllr N J Heslop (Chairman)  
Cllr M A Coffin (Vice-Chairman)  
Cllr Mrs J A Anderson  
Cllr Mrs S M Barker  
Cllr R P Betts  
Cllr T I B Cannon  
Cllr R W Dalton  
Cllr S M Hammond  
Cllr D Lettington  
Cllr B J Luker  
Cllr D Markham  
Cllr R V Roud  
Cllr T B Shaw

### Parish and Town Council Representatives

Addington  
Aylesford  
Birling  
Borough Green  
Burham  
Ditton  
East Malling and Larkfield  
East Peckham  
Hadlow  
Hildenborough  
Ightham  
Kings Hill  
Leybourne  
Mereworth  
Offham  
Platt  
Plaxtol  
Ryarsh  
Shipbourne  
Snodland  
Stansted  
Trottiscliffe  
Wateringbury  
West Malling  
West Peckham  
Wouldham  
Wrotham

### County Councillors

Valerie Dagger, Malling West  
Trudy Dean, Malling Central  
Matthew Balfour, Malling Rural East  
Sarah Hohler, Malling North  
Peter Homewood, Malling Rural North East

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Apologies for absence

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### PARISH PARTNERSHIP PANEL

Thursday, 17th November, 2016

**Present:** Cllr N J Heslop (Chairman), Cllr M A Coffin (Vice-Chairman), Cllr Mrs J A Anderson, Cllr T I B Cannon, Cllr R W Dalton, Cllr S M Hammond, Cllr D Lettington, Cllr B J Luker, Cllr R V Roud, and Cllr T B Shaw.

Together with Birling, Borough Green, Burham, Hadlow, Platt, Plaxtol, Trottiscliffe, West Malling, Wouldham, Wrotham Parish Councils and County Councillor Mrs S Hohler

Councillors O C Baldock and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S M Barker, R P Betts, Hildenborough and Kings Hill Parish Council and County Councillor Mr M Balfour

### PART 1 - PUBLIC

#### **PPP 16/27 CHAIRMAN'S ANNOUNCEMENT**

The Chairman referred to the death of Honorary Alderman Anne Moloney who had sadly passed away on 11 October 2016. A minute's silence had been observed in her memory at the recent meeting of Full Council.

Miss Moloney was a former borough councillor, who had represented the ward of Snodland for 8 years; as well as a former Chairman and Vice-Chairman of the Town Council and an active and passionate member of the Parish Partnership Panel. The title of Honorary Alderman had been conferred in February 2016 in recognition of her commitment and contribution to local government and her constituents.

A memorial service in her honour would be held at 1130 am on Tuesday 22 November 2016 at All Saints Church, Snodland.

The Chairman concluded by saying that Anne would be greatly missed.

#### **PPP 16/28 MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 8 September 2016 be approved as a correct record and signed by the Chairman.

**PPP 16/29 UPDATE ON ACTION IDENTIFIED IN THE LAST MINUTES****PPP 16/21 - Local Sewer System**

An invitation had been extended to Southern Water to attend the Parish Partnership Panel to address concerns regarding the sewer system. Attendance had been provisionally confirmed for the meeting on 16 February 2016.

Borough Green Parish Council thanked the Chairman for making the necessary arrangements and welcomed the discussion with Southern Water.

**PPP 16/30 SPEEDWATCH SCHEME**

The Speedwatch Manager (Alan Watson) provided a presentation which set out details of the speedwatch initiative and how it operated within communities. The aim of the initiative was to increase awareness, through education, of excessive vehicle speeds on local roads, help residents make a significant contribution to local road safety and help generate valuable data for the community to inform highway measures.

Schemes were 'owned', funded and operated by local community groups, such as the parish council, acting as volunteers with support based in the Central Process Unit at Kent Police Force Headquarters in Maidstone.

Kent Police supported Community Speedwatch by delivering appropriate training, providing site risk assessments, sending advice letters and insuring volunteers against public liability risk and personal injury whilst on the roadside.

Operating at the roadside in 20, 30, and 40 miles per hour (mph) limits, Speedwatch practitioners monitored the speeds of passing vehicles using portable speed indication devices. They recorded and reported the speed and identified details of vehicles travelling at or above nationally-specified speed thresholds (25, 35, and 46mph respectively).

The registered keepers of vehicles seen repeatedly or excessively speeding anywhere in Kent in the previous 12 months were then sent a warning letter and advice by Kent Police.

Within Tonbridge and Malling there were currently sites being assessed in Addington, Coldharbour, East Malling, Hadlow, Kings Hill, Larkfield, Offham, Shipbourne, Wateringbury and West Malling. It was noted that Tonbridge and Malling was the second most productive Community Speedwatch in Kent. Wateringbury was the highest recorder in the Borough with a high number of excessive speeders noted. However, there had been a steady decline in activity in the Borough and the reason for this was not yet understood.



Mr Watson indicated that he would be happy to speak to any inactive groups to regenerate local interest.

Reference was made to the 50% subsidy being offered by Kent Highways towards equipment for new start up groups, or for groups where the equipment was faulty or shared. Further details were available by contacting the Speedwatch Co-ordinator on [CSW@kent.pnn.police.uk](mailto:CSW@kent.pnn.police.uk)

Finally, it was reported that Community Speedwatch would be going on-line shortly to offer a centralised and enhanced system. This included links to social media where it would be possible to name and shame individuals.

The Chairman referred to comments made by Waterringbury Parish Council at the last meeting of the Parish Partnership Panel regarding the lack of support and follow up by Kent Police, which they believed had led to the decline in activity, as volunteers no longer felt it was worthwhile without effective enforcement.

Mr Watson was confident that this was an improving position and better support could now be provided as more resources became available.

In response to a question about the speeding thresholds, the Panel was advised that these were decided by Kent Police and they allowed a level of 'tolerance for different manufacturers'. It was also commented that there were insufficient officers to offer earlier enforcement.

In addition, Members were advised that the speed detection equipment used was not Home Office approved so could not be used as evidence to support enforcement. However, Community Speedwatch was a valuable and effective tool in educating and raising awareness.

With regard to training of volunteers a target of end of December had been set to enrol all those interested and any outstanding requests would be followed up as soon as possible.

West Malling Parish Council indicated that the online training was very good as it was simple and easy to use and provided flexibility about how and when it was done.

The Chairman thanked Mr Watson for his informative presentation and hoped that more volunteers could come forward. It was also hoped that parishes were reassured that support was now available.

### **PPP 16/31 KENT POLICE SERVICES UPDATE**

Inspector Mark Ginsberg provided a verbal update on the achievements made in performance and the neighbourhood policing agenda.

It was reported that the position in the Borough remained good despite a 9.2% increase in crime. Tonbridge and Malling had the second lowest crime levels in Kent and remained one of the safest places in the County. Increased reporting of incidents, more accurate recording of crime and fewer resources were believed to have contributed to the percentage increase over the year. In addition, violent crime included harassment and social media contributed significantly to these figures.

Particular reference was made to resourcing levels with officer numbers remaining relatively stable and Kent Police continued to actively recruit. The number of Police Community Support Officers (PCSOs) was reducing and a new recruitment campaign would start shortly.

ANPR (automatic number plate recognition) had been installed throughout the Borough and was a useful and effective tool in providing security, as well as an excellent resource in tackling crime.

Recent police initiatives included:

- Op Lily: dealt with nuisance vehicles at a number of locations across the Borough. 4 warnings had been given to drivers with one vehicle removed as unsafe.
- Op Argonaut: tackling anti-social behaviour at various locations. Several dispersal orders had been granted and had proved successful in moving people to more suitable locations.

### **PPP 16/32 COMMUNITY SAFETY PARTNERSHIP UPDATE**

The report of the Director of Central Services provided an update on the work of the Community Safety Partnership (CSP), which was reviewed and noted by the Panel.

The Licensing and Community Safety Manager (A Garnett) reminded Members that the Community Safety Unit (CSU) worked closely with Kent Police and were co-located at the Council offices at Kings Hill. There were weekly meetings with other organisations, such as housing providers and the Probation Service, to discuss issues and formulate actions.

Particular reference was made to the measures being taken to tackle anti-social behaviour in West Malling. As well as trying to identify those causing the issues Kent Police had put in place some Dispersal Orders, which had been very effective. Residents were appreciative of the action taken and the CSU were grateful to Kent Police for executing these measures.

It was anticipated that the vacant post of Anti-social Behaviour Officer would be filled by December.

Operation Valetta, which had taken place on 20 July, was a joint initiative between Kent Police and Kent Fire and Rescue Services targeting drivers committing offences. During this operation a total of 75 cars were stopped in Cannon Lane, Tonbridge and London Road, Hildenborough. As well as enforcement action, where appropriate, restorative justice was offered.

Finally, Members were advised that an Independent Police Advisory Group (IPAG) had been established for Tonbridge and Malling. The Group were looking for members to represent sections of the community to attend. Further information was available from [ipag.sevenoaksdistrict@gmail.com](mailto:ipag.sevenoaksdistrict@gmail.com)

Kent Police and the Licensing and Community Safety Manager both participated in a brief question and answer session.

In response to a question from Burham Parish Council, it was confirmed that S59 granted powers under the Police Reform Act and applied to both driver and vehicles. This meant that vehicles being used anti-socially or driven without due care and attention and where there was a repeat occurrence within 12 months could be seized.

Members commented that Operation Valetta appeared to be an excellent initiative and should be continued or repeated on a regular basis. Inspector Ginsberg recognised the Operation's success and hoped that it could be repeated at different locations throughout the Borough but it was subject to having sufficient resource available. It was noted that PCSOs could monitor speed and pass on information to police.

Borough Green Parish Council referred to significant speeding problems on the A25 and the difficulties they had with Kent Police and/or other agencies taking any sensible actions. Inspector Ginsberg advised that PCSOs regularly monitored the situation and offered to clarify the latest position out of meeting.

Another member of Borough Green Parish Council referred to the two CCTV cameras purchased in a joint venture with Kent Police and asked about the location of one that had been moved. This would be progressed out of meeting.

In response to a question regarding the use of cannabis, it was confirmed that this remained illegal but it was difficult to get a magistrates warrant without proper corroboration of the offence. Corroboration included intelligence gathering and reporting by more than one person.

Finally, surprise was expressed at the low number of drivers stopped for using a mobile phone during Operation Valetta given the high profile it received in the media. Reference was also made to the recent use of

social media to obtain drugs. This information would be shared with Kent Police out of meeting.

The Chairman thanked both Kent Police and the Licensing and Community Safety Manager for their contribution and advised that in future both of these items would be combined on the agenda.

### **PPP 16/33 KENT COUNTY COUNCIL SERVICES UPDATE**

The Kent County Council Community Liaison Officer (Anne Charman) reported on a number of County initiatives and consultations. Further detail was set out in the Kent County Council Services update report attached to the agenda.

Particular reference was made to the closure of Snodland library for refurbishment work. It was expected to re-open on Wednesday 21 December 2016.

Current consultations included the A26 Cycle Route; KCC Draft Budget Proposals 2017/18 and comments were encouraged. All Kent County Council consultations could be viewed online at: <http://consultations.kent.gov.uk/consult.ti>

Applications for primary school places were now open and these should be submitted by 16 January 2017.

The Volunteer Support Warden Scheme had just completed a successful pilot and the intention was to offer all town and parish councils in Kent the opportunity to participate. Details would be shared in due course.

The Chairman referred to the recent refurbishment of Snodland Station ticket office, which was a joint venture with Network Rail and the County Council. This together with the work at Snodland Library demonstrated the commitment to economic regeneration in the town.

### **PPP 16/34 TONBRIDGE AND MALLING BOROUGH COUNCIL SERVICES UPDATE**

The Chairman provided an update on key points relevant to Tonbridge and Malling. The headline messages included:

#### **Christmas Waste Collection:**

This year there would be no suspension of the green lidded bin service over the Christmas holiday period. In weeks commencing 26 December and 2 January all refuse and recycling collections would take place just one day later than normal. These collection arrangements, together with handy hints on recycling at Christmas, would be communicated via bin

hangers which would be delivered to residents over a two week period starting 5 December, as well as on the website: [www.tmbc.gov.uk/waste](http://www.tmbc.gov.uk/waste)

### **Council Tax setting:**

The Director of Finance and Transformation had written to all parish councils on 2 November 2016 following the meeting of Full Council advising them of the decisions regarding s136 and Council Tax Reduction grants and the introduction of Special Expenses. In summary, the recommendations outlined at the last meeting of the Parish Partnership Panel, and set out in those Minutes, had been agreed.

Parish precept forms had also been enclosed and should be returned by 27 January 2017.

The tax base for 2017/18 would be prepared in early December and parish councils would be advised of details for their own parished areas as soon as possible thereafter. The Chairman assured Members that this information would be shared at the earliest opportunity as the Borough Council was mindful that parish councils had to set their own precepts.

Finally, further detail relating to the Special Expenses (Fairer Charging) consultation and decision was available on the website at:

<https://www.tmbc.gov.uk/services/council-and-democracy/consultations/public-consultation-fairer-charging-in-tonbridge-and-malling>

### **Council Tax Reduction Scheme:**

An update to the Borough Council's Council Tax Reduction Scheme for 2017/18 had also been agreed at Full Council on 1 November 2016, details of which were available on the website at:

<https://www.tmbc.gov.uk/services/advice-and-benefits/council-tax/council-tax-reduction-scheme/council-tax-reduction-scheme-20172018>

### **Business Rates – 2017 Revaluation:**

The Valuation Office Agency had now released the new valuations for non-domestic properties which would come into effect from April 2017. If parish councils wanted to check their own valuations, as there had been some changes, details were available on the Gov.uk website: <https://www.tax.service.gov.uk/view-my-valuation/search>

If there were any queries these should be directed to the Valuation Office.

**Local Plan – Update and Consultation:**

The Local Plan consultation ended at 1700 hours on Friday 25 November 2016.

**Retail Centres outside Tonbridge:**

Most of these were now completed with the most recent being in Wateringbury, where a defibrillator was installed, and Plaxtol, where improvements were made to the access to the car parking area. Work continued to progress projects for West Malling and Snodland and both the Cabinet Member for Economic Regeneration and the Economic Regeneration Officer were working closely with both teams.

The Borough Council was also working with Action with Communities in Rural Kent to roll out a new business support programme for village/rural stores. The offer would specifically include one to one guidance and support from a specialist retail advisor on business planning, store layout, product sourcing, networking with other retailers and diversification.

Around 20 stores had been identified for support but general marketing would also be considered to promote the scheme. Further information was available from the Economic Regeneration Officer (Jeremy Whittaker).

**Community Lottery:**

There continued to be a good response to the launch of the Borough Council's online lottery, operating under the name of Hive, with 28 good causes now approved as members. These included a number of sporting clubs, schools and organisations providing mental health, disability and homelessness support services.

The next meeting of the Parish Partnership Panel was scheduled for Thursday 16 February 2017 and would focus on discussions with Southern Water.

The meeting ended at 9.00 pm

# Agenda Item 3

Update on action identified in the last Minutes

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# Agenda Item 4

- Representatives of Southern Water to attend to address concerns raised by Parish Councils

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# Agenda Item 5

Police Liaison

Representatives of Kent Police to be present to:

- address crime prevention issues, including those raised by the Panel
- respond to the following query raised by the Kent Association of Local Councils (Tonbridge and Malling):

*'Will the lack of public engagement improve if the proposed increase in the police precept is agreed?'*

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

31 January 2017

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

#### Part 1- Public

#### Executive Non Key Decisions

### 1 PUBLIC SPACES PROTECTION ORDER

**To provide a report giving details of the proposed Public Spaces Protection Orders (PSPOs) for the borough, including details of the borough wide restrictions, as well as restrictions for particular geographical areas.**

#### 1.1 Background to Public Spaces Protection Orders (PSPO)

- 1.1.1 The Anti-social Behaviour, Crime and Policing Act 2014 places new duties on the Council to tackle Anti-social Behaviour (ASB), working co-operatively with the Police, social landlords and other agencies. The Act puts victims at the heart of the response to ASB and is intended to give professionals the flexibility they need to deal with any given situation.
- 1.1.2 Public Spaces Protection Orders (PSPOs) are one of a number of new tools contained within the Act and are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- 1.1.3 Councils will be responsible for making the new PSPO. District Councils will take the lead in England with county councils undertaking the role only where there is no district council. The new power is not available to parish councils or town councils.
- 1.1.4 The PSPOs will be replacing dog control orders, designated public place orders (also known as Alcohol Control Zones) and gating orders.

#### 1.2 The requirements of a PSPO

- 1.2.1 The council can make a PSPO on any public space in its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre.

- 1.2.2 Before making a PSPO the council must consult with the local police. This is an opportunity for the police and council to share information about the area and the problems being caused as well as to discuss the practicalities of enforcement. In addition the owner or occupier of the land should be consulted as well as community representatives as appropriate.
- 1.2.3 The test for a PSPO is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
  - is, or is likely to be, persistent or continuing in nature;
  - is, or is likely to be unreasonable; and
  - justifies the restrictions imposed.
- 1.2.4 A single PSPO can include multiple restrictions and requirements in one order. It can prohibit certain activities, such as the drinking of alcohol, as well as placing requirements on individuals carrying out certain activities, for instance making sure that people walking their dogs keep them on a lead.
- 1.2.5 The maximum duration of a PSPO is three years but they can last for shorter periods where appropriate. At any point before expiry the council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or reoccurring. If a new issue arises in an area where a PSPO is in force the council can vary the terms of the order at any time. This can change the size of the restricted area or the specific requirements or restrictions. As well as varying the PSPO, a council can also seek to discharge it at any time.

### **1.3 Enforcement process and penalties**

- 1.3.1 It is an offence for a person, without reasonable excuse, to:
- do anything that the person is prohibited from doing by a PSPO
  - fail to comply with a requirement to which the person is subject under a PSPO.
- 1.3.2 If a person fails to adhere to the PSPO they may be issued with a Fixed Penalty Notice (FPN). Where the FPN is not paid within the required timescale, court proceedings may be initiated.

## 1.4 The proposed PSPO for Tonbridge & Malling

- 1.4.1 After consultation with Borough Council offices and Police officers we have decided to proceed with a PSPO containing multiple restrictions [see Annex 1]. Some of the restrictions are borough wide (e.g. deterring dog fouling, dogs on leads by direction) and some are specific to geographical locations depending on particular issues (for example to prevent the use of unauthorised BBQs within Leybourne Lakes Country Park). We believe that each of the proposed restrictions passes the PSPO 'Test' and that they will all help to prevent ASB in the borough.
- 1.4.2 Officers have used evidence and professional judgement to develop this proposed PSPO and have considered all issues/areas against the stated test process. There are some areas that were considered and then rejected as they did not pass the test process and have procedures already in place which can tackle the anti-social behaviour. In particular, officers discussed the possibility of including fishing around the Town Lock area within the PSPO. It was noted that ASB has been associated with people who also fish in this area, and it was also noted that fishing is prohibited in this area. The sole activity of fishing could not be described as having a detrimental effect on the quality of life of people in the area, and it was also noted that the associated behaviours (such as drinking and camping) would be controlled under the proposed PSPO.
- 1.4.3 Officers also discussed whether or not to include 'No unauthorised camping' within the PSPO. The Council already has powers under the Criminal Justice and Public Order Act 1994 ("CJPOA") to deal with unauthorised encampments, involving the service of a notice, which has a duration of 3 months. Breach of such notice is an offence. It was felt, however, that the CJPOA process was too lengthy, time consuming and potentially costly to the authority to deal with very temporary encampments which may still have a significant detrimental effect in areas such as the Country Parks. We have therefore included 'No unauthorised camping' within the proposals for Leybourne Lakes, Tonbridge Moorings, Haysden Country Park, Tonbridge Racecourse Sports Ground and Tonbridge Castle and Tonbridge Farm Sports Ground.
- 1.4.4 This restriction is not intended to be used for homeless individuals and anyone who is found to be homeless will be offered the appropriate help and advice.
- 1.4.5 We will be looking to set the Fixed Penalty Notices (FPNs) at £80, reduced to £50 if paid within 10 days. This follows the Borough Council's Enforcement Policy, which the PSPO will also adhere to. Under 18's will be dealt with in accordance with the Borough Council's Enforcement Policy.
- 1.4.6 Fixed Penalty Notices will be issued by authorised Borough Council staff. We anticipate that there will be a high expectation from the public in regards to enforcing the PSPO and this is something that we will need to manage. It may be that we need to seek alternative ways of enforcing any breaches and we may

therefore explore the potential for other partners (such as Parish Councils) to gather evidence or give witness statements if they see anyone breaching any of the restrictions within the PSPO. This is something that we would look to take forward outside of this consultation.

- 1.4.7 We have also liaised with the Police regarding the PSPO and following these discussions it has been agreed that they will not issue Fixed Penalty Notices but will provide evidence as required. A protocol will be developed with Kent Police to take this forward.
- 1.4.8 It is not possible, or appropriate, to include every area within the borough with an anti-social behaviour issue (or perceived issue). The majority of ASB can be dealt with through other measures without the need for a Public Spaces Protection Order. However, if through the consultation process a request for a restriction is provided then this will be considered (assuming the test has been met) and discussed at the appropriate Council meeting.

## **1.5 Consultation process**

- 1.5.1 The consultation period will start from 1 February 2017 and will end on 15 March 2017. We will be consulting with all Parish Councils, the Police and Crime Commissioner, partners within the Community Safety Partnership and community groups as relevant. Copies of the PSPO consultation will be available in a variety of locations as well as online.
- 1.5.2 The responses to the consultation will be reported to Cabinet on the 21 March 2017, and then Full Council on the 11 April 2017.
- 1.5.3 Once agreed, a copy of the Order will be published in accordance with regulations made by the Secretary of State.
- 1.5.4 A copy of the response questionnaire is shown at **Annex 2**.

## **1.6 Legal Implications**

- 1.6.1 As the PSPO is a legal requirement of the new ASB legislation we will be receiving legal guidance to ensure that we meet the criteria. Once the final PSPO measures are agreed the PSPO will need to be published in accordance with the regulations made by the Secretary of State.
- 1.6.2 Currently TMBC enforce against dog fouling using the Dog (Fouling of Land) Act 1996. It was repealed by Clean Neighbourhoods and Environment Act 2005 section 65, and replaced by similar legislation in the same act, namely Dog Control Orders (DCOs). However, as TMBC did not adopt a DCO for fouling across the whole borough, we were still able to enforce under the Dog (FoL) Act. The introduction of the PSPO for dog fouling borough-wide will supersede this legislation and enforcement for such offences will then only be possible using the PSPO. This means that every three years, the PSPO will have to be amended to



ensure that dog fouling offences can still be enforced against. If the PSPO is not renewed, no legislation would exist to deal with fouling unless new legislation is introduced.

## **1.7 Financial and Value for Money Considerations**

1.7.1 There is no significant cost associated with the establishment of the Public Spaces Protection Order within the borough.

## **1.8 Risk Assessment**

1.8.1 All appropriate risk assessments will be undertaken as required.

## **1.9 Equality Impact Assessment**

1.9.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and does not vary between groups of people.

## **1.10 Policy Considerations**

1.10.1 Crime & Disorder Reduction

## **1.11 Recommendations**

1.11.1 That the proposed Public Spaces Protection Order, as presented at **Annex 1**, be circulated for consultation.

The Central Services Director confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Anti-social Behaviour, Crime and Policing Act 2014  
Guidance for the Anti-social Behaviour, Crime and Policing Act 2014

contact: Anthony Garnett  
Licencing and Community  
Safety Manager

Adrian Stanfield  
Director of Central Services and Monitoring Officer

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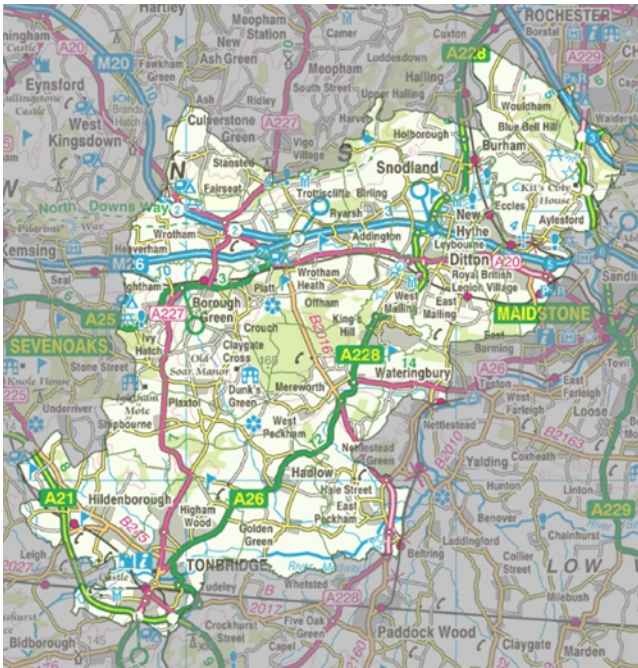
## Tonbridge & Malling Borough Council

### Proposal for Public Spaces Protection Orders in the Borough



Visit: [www.tmbc.gov.uk](http://www.tmbc.gov.uk)

## Introduction



The borough of Tonbridge and Malling lies in the heart of Kent and is an area of variety and historical interest. The borough is largely rural with few large settlements; Tonbridge in the south being the largest and home to around 35,000 residents. The remainder of the borough is dotted with villages and smaller towns.

Industry and commerce are concentrated around Tonbridge, Aylesford, Ditton, Larkfield and Snodland. Mineral extraction has been carried out in the area for many years. Paper and packaging mills, distribution, general and light industry and many small businesses make up the industrial scene. The borough is a popular area for office location and high tech development, particularly at the Kings Hill business and residential community.

## Public Spaces Protection Orders

The Anti-Social Behaviour, Police and Crime Act 2014 places new duties on the Council to tackle Anti-Social Behaviour (ASB), working co-operatively with the police, social landlords and other agencies. The Government make it clear that their reforms are designed to put victims at the heart of the response to ASB and give professionals the flexibility they need to deal with any given situation.

Public Spaces Protection Orders (PSPO's) are intended to control and restrict anti-social behaviour or potential anti-social behaviour in public spaces. They can help by giving local councils and police additional powers to tackle anti-social behaviour in specific locations. The definition of a public space is wide and includes any place to which the public or any section of the public has access too.

District/Borough Councils are responsible for making the new PSPO's and to take enforcement against any breaches, although the Police are also able to enforce these Orders and it is also possible for the Council to delegate enforcement powers to others.

Tonbridge & Malling is considering introducing Public Spaces Protection Orders to cover the open spaces within the Borough and specific locations (Leybourne Lakes Country Park; Tonbridge Memorial Gardens; Tonbridge Moorings; Haysden Country Park; Tonbridge Racecourse Sportsground and Tonbridge Castle; Tonbridge Farm Sportsground and Tonbridge Cemetery). Those Orders in specific locations are to deal with anti-social behaviour that is particular to these areas and any breaches of the Orders will lead to Fixed Penalty Notices if the behaviour does not cease when asked to do so. The PSPO will be in place for a three year period and will be reviewed at the end of this time.

The activities identified within the PSPO have been carried out in public places within the Council's area and have a detrimental effect on the quality of life of those in the locality. The Council is satisfied that that the prohibitions imposed by the PSPO are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

There will be Fixed Penalty Notices (FPNs) of £80 (or £50 if paid within 10 days) to be issued for any breaches of the PSPOs. These will be issued by an authorised person and will follow the Enforcement Policy set by Tonbridge & Malling Borough Council.

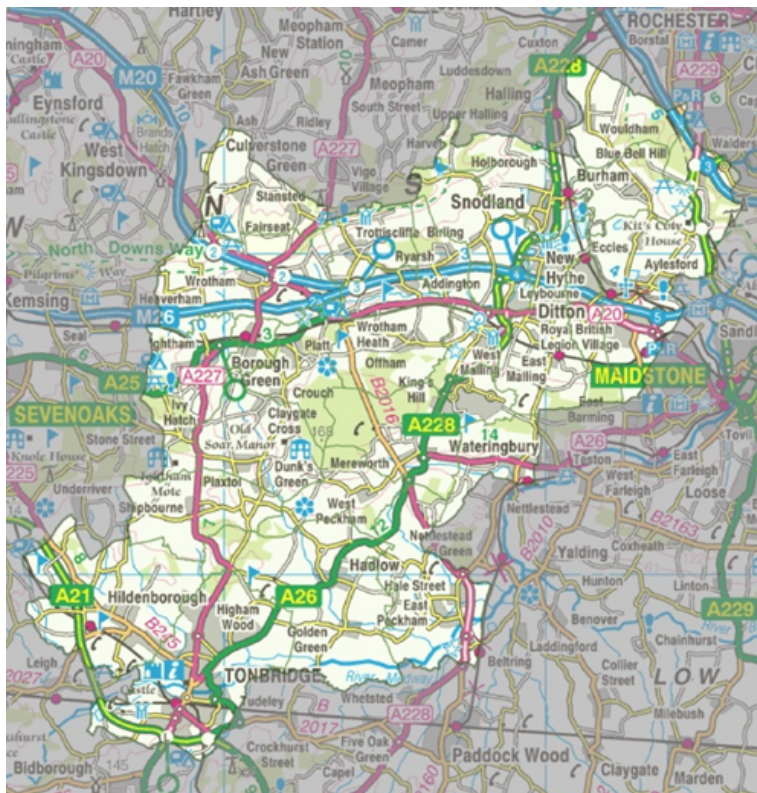
## **Consultation;**

This booklet gives you details of the Proposal. We will be consulting the public and other groups about our proposals and there will be both paper copies of a questionnaire as well as an on-line survey to allow feedback to be provided. The on-line survey will be available on [www.tmbc.gov.uk](http://www.tmbc.gov.uk).

The details below show the timeline for consultation with the public and other groups.

Cabinet	31 January 2017
Consultation period	1 February 2017 until 15 March 2017
Cabinet	21 March 2017
Full Council	11 April 2017

Responses should be sent to PSPO Consultation via [csp@tmbc.gov.uk](mailto:csp@tmbc.gov.uk) or sent to PSPO Consultation, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling ME19 4LZ.



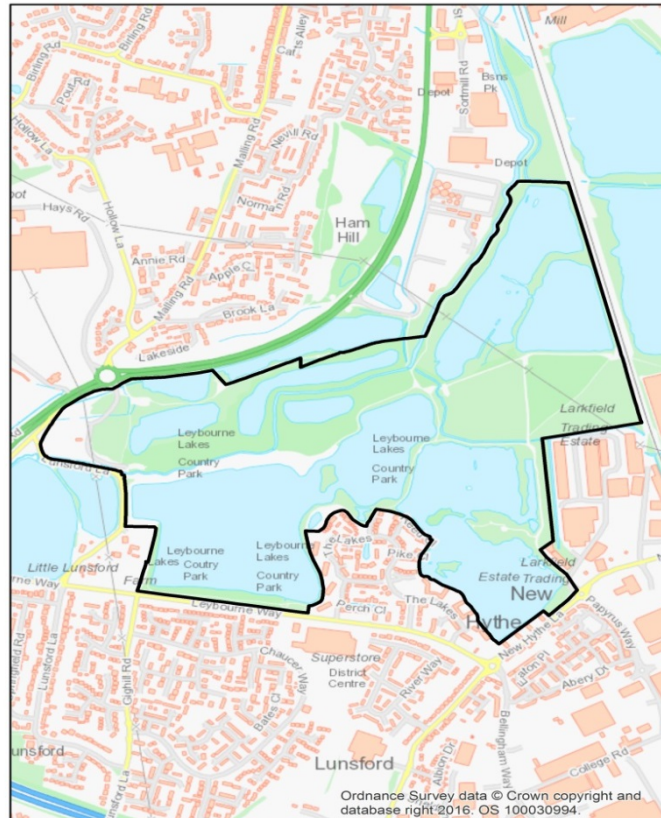
The whole Borough area where the council is considering introducing a Public Spaces Protection Order for the issues mentions below.

These proposed Public Spaces Protection Order measures replace the current Dog Control Orders (DCO's) and Alcohol Control Zones.

<p><b>Measure 1</b></p>	<p><b>Deterring Dog Fouling</b>                  Dog Fouling is a widespread and well known problem with the Borough. Dog faeces are a known carrier of the roundworm toxicara that can cause blindness. The Council has a duty under the Litter (Animal Droppings) Order 1991 to endeavour to keep public open spaces clear of dog faeces.</p> <p><b>Proposal</b>                  A Fixed Penalty Notice will be issued to the person responsible for the dog(s) who allows dog fouling by not removing dog faeces from any public place.</p>
<p><b>Measure 2</b></p>	<p><b>Exclusion of dogs from Borough Council owned and maintained children's play areas</b>                  A number of complaints have been received about dogs being loose and causing distress to young children. The exclusion of dogs from borough council owned and maintained children's play areas will prevent any distress and alarm to children.</p> <p><b>Proposal</b>                  A Fixed Penalty Notice will be issued for any person allowing a dog, or dogs, into a Borough's owned and maintained children play areas to enable children to enjoy the facilities unimpeded from dogs.</p>

Proposed - Public Spaces Protection Order	Orders covering all of the public spaces within Tonbridge & Malling.
<p><b>Measure 3</b></p>	<p><b>Dogs on leads by direction</b>            In order to stop a loose dog causing a nuisance, annoyance or disturbance to other people or to wildlife, dogs must be kept on a lead if the owner is instructed to do so by an authorised person.</p> <p><b>Proposal</b>            A Fixed Penalty Notice will be issued to anyone who does not put their dog on a lead when instructed to do so by an authorised person.</p>
<p><b>Measure 4</b></p>	<p><b>Maximum number of dogs</b>            This measure restricts the total number of dogs that one person can take onto a public place to six dogs to ensure that they have full control of these dogs and do not allow them to cause alarm or distress to other people.</p> <p><b>Proposal</b>            A Fixed Penalty Notice will be issued to anyone who takes more than six dogs at one time onto a public place.</p>
<p><b>Measure 5</b></p>	<p><b>Introduction of a controlled alcohol zone</b>            There have been many incidents across the Borough where there has been anti-social behaviour linked to alcohol.</p> <p>This measure will not mean it is an offence to drink alcohol in a public place; however, it will be an offence to fail to comply with a request by an authorised officer to cease drinking or surrender alcohol. This will not apply to any premises, or its curtilage, which is licenced for the supply of alcohol.</p> <p><b>Proposal</b>            A Fixed Penalty Notice will be issued for any person who continues to drink alcohol in a public place when asked to cease or surrender that alcohol.</p>
<p><b>Measure 6</b></p>	<p><b>Deterring public urination / defecation</b>            There are complaints about people urinating/defecating in public which is unpleasant and unhygienic for others. It makes people feel unsafe and can cause feelings of distress.</p> <p><b>Proposal</b>            To make it an offence to urinate or defecate in public (excluding public toilets). A Fixed Penalty Notice will be issued to anyone seen urinating or defecating in a public place (excluding public toilets).</p>

Leybourne Lakes Country Park



The map above shows the area where the council is considering introducing a Public Spaces Protection Order for Leybourne Lakes Country Park

**Measure 1**

**No unauthorised BBQs**

TMBC has received a number of complaints from the public that these are left on the ground and also are placed in bins causing them to burn out which the public then complain about. BBQs cause damage to the Country side, burning dry fields, hot coals placed in bins have been causing much damage to the bins and can result in unpleasant smoke drifting for some distance.

**Proposal**

No unauthorised BBQs within Leybourne Lakes Country Park. A Fixed Penalty Notice will be issued to anyone seen using an unauthorised BBQ.

**Measure 2**

**No unauthorised Swimming, bathing or boating.**

TMBC has received numerous complaints from the public about anti-social behaviour involving people swimming in the lakes in this area. Unauthorised swimming can have a detrimental effect on wildlife and interfere with authorised swimming activities.

**Proposal**

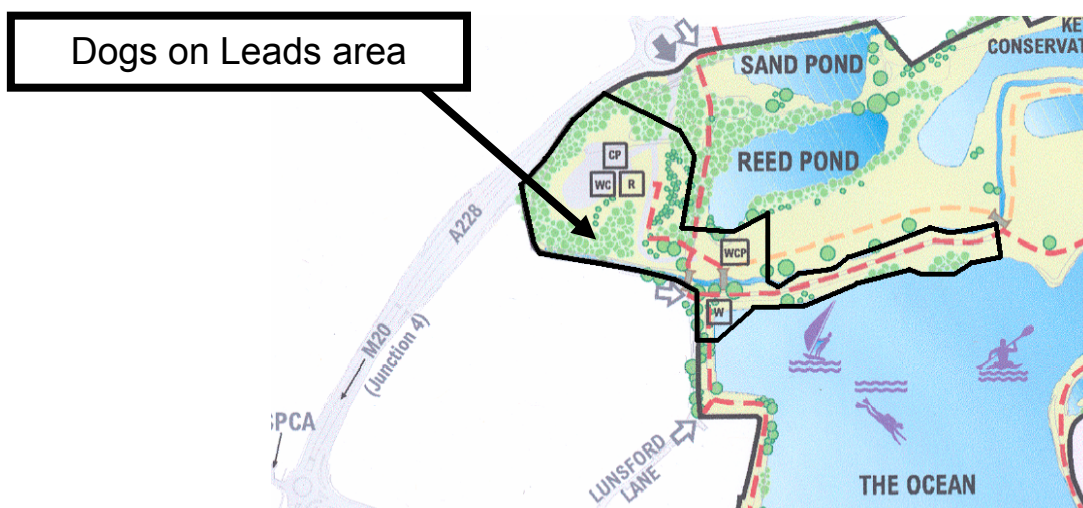
No unauthorised swimming within Leybourne Lakes Country Park. A Fixed Penalty Notice will be issued to anyone seen using the lake who has not been authorised.

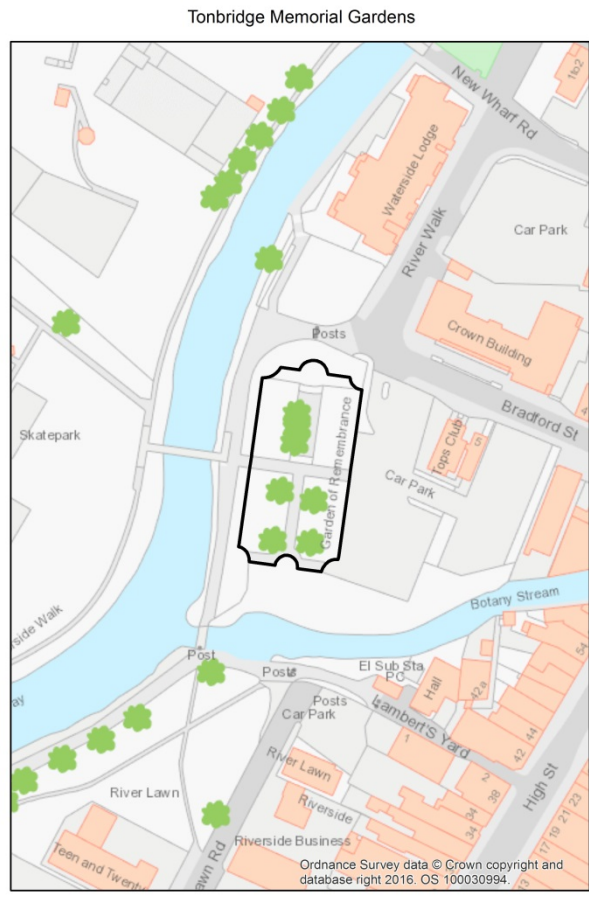


Proposed - Public Spaces Protection Order		Leybourne Lakes Country Park
<b>Measure 3</b>	<p><b>Keeping dogs on a lead</b></p> <p>The car park and access road for the Watersports has high volumes of vehicular traffic. Additionally on numerous occasions it has been reported that food has been taken from children and elderly people by uncontrolled dogs. This measure is to prevent distress to park users.</p> <p><b>Proposal</b></p> <p>To keep dogs on a lead within the signed area (see map for details). A Fixed Penalty Notice will be issued to anyone not keeping their dog on a lead in these areas.</p>	
<b>Measure 4</b>	<p><b>No unauthorised camping</b></p> <p>The Borough Council is satisfied that unauthorised camping in a public place is being carried out within this area or it is likely that this activity will be carried out and this is having, or it is likely to have, a detrimental effect on the quality of life of those in the locality. People camping in this area have been known to set fires; leave rubbish and cause alarm or distress to others.</p> <p><b>Proposal</b></p> <p>A Fixed Penalty Notice will be issued to anyone who, when asked to remove an unauthorised encampment, does not do so.</p>	

Map showing dogs on leads designated area within Leybourne Lakes Country Park

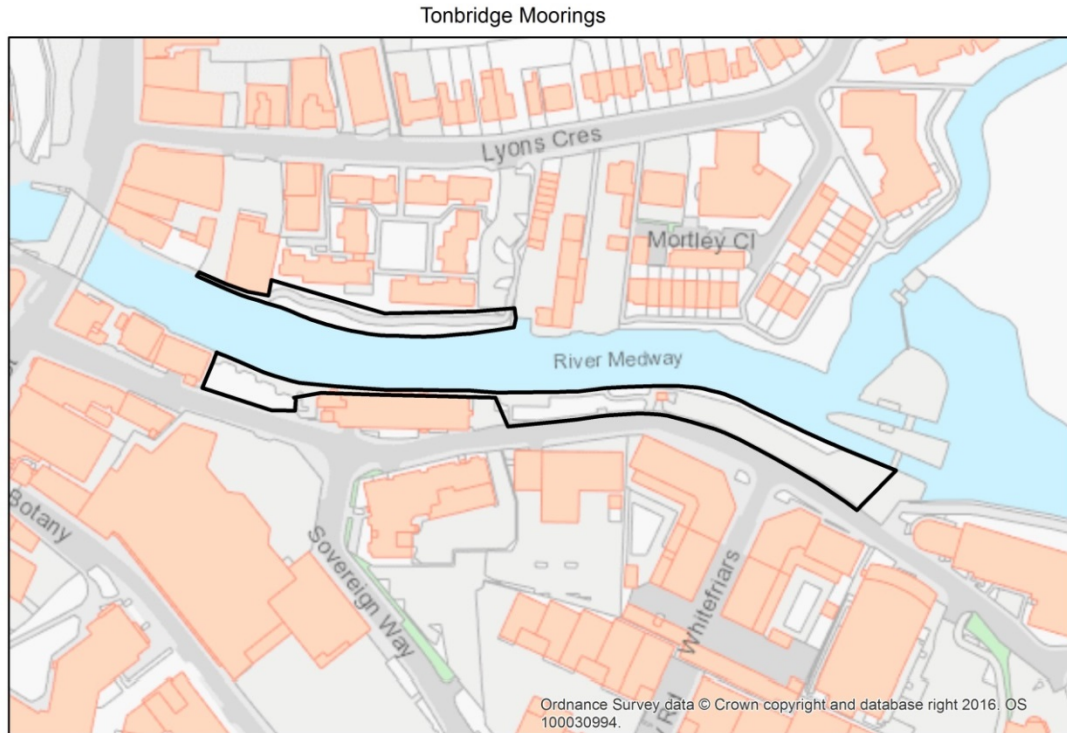
The area marked below is designated a 'Dogs on Leads' area. Please ensure your dog is on a lead at all times when in this area of the Park





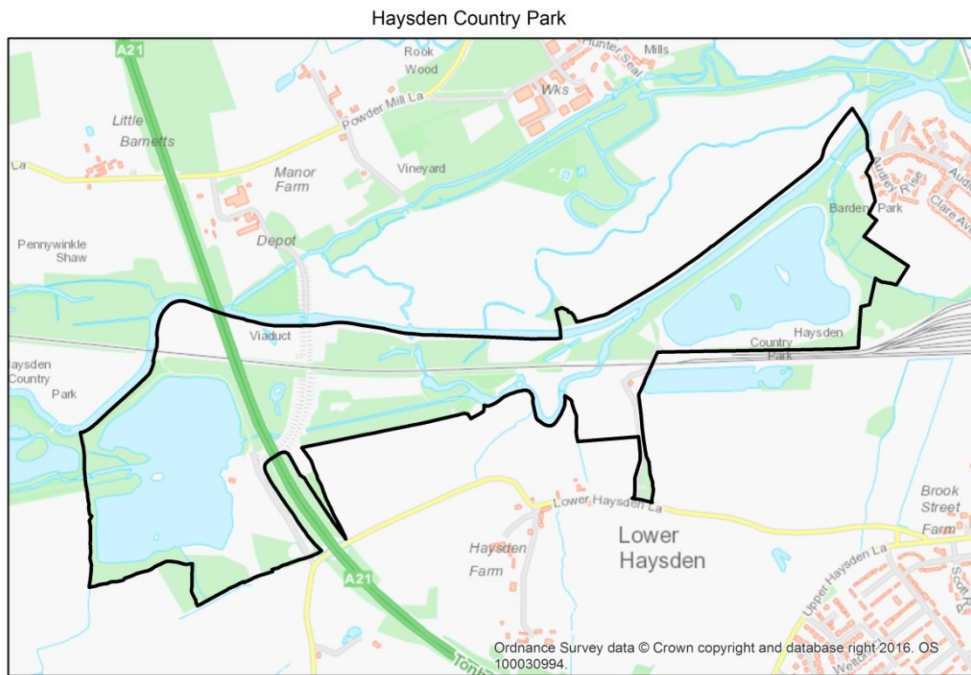
The map above is the area where the council is considering introducing a Public Spaces Protection Order for Tonbridge Memorial Gardens

<p><b>Measure 1</b></p>	<p><b>No-wheeled-sports activities</b></p> <p>There have been numerous complaints to this Authority have come in regarding damage to this area adversely affecting peoples enjoyment of the memorial garden.</p> <p>Wheeled sports activities take place within the memorial garden; physical damage has been caused to the site which is detrimental to this very sensitive site where people come for peace and reflection.</p> <p><b>Proposal</b></p> <p>No-wheeled-sports activities to take place within the Tonbridge Memorial Gardens. Including, but not limited to, skateboards, BMX, in-line skating and scooters. A Fixed Penalty Notice will be issued to anyone not ceasing these activities when instructed to do so.</p>
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The map above is the area where the council is considering introducing a Public Spaces Protection Order for Tonbridge Moorings

<b>Measure 1</b>	<p><b>No unauthorised Mooring</b></p> <p>The Council has received a number of complaints from the public from people mooring boats without a licence, disposing of waste on the sides of the river, leaving generators running through the night and swimming in the river.</p> <p>Unauthorised mooring impedes authorised users using spaces which can lead to conflict and anti-social behaviour.</p> <p><b>Proposal</b></p> <p>No unauthorised Mooring within the Tonbridge Moorings area. A Fixed Penalty Notice will be issued to anyone breaching this Order.</p>
<b>Measure 2</b>	<p><b>No unauthorised camping</b></p> <p>The Borough Council is satisfied that unauthorised camping in a public place is being carried out within this area or it is likely that this activity will be carried out and this is having, or it is likely to have, a detrimental effect on the quality of life of those in the locality. People camping in this area have been known to set fires; leave rubbish and cause alarm or distress to others.</p> <p><b>Proposal</b></p> <p>A Fixed Penalty Notice will be issued to anyone who, when asked to remove an unauthorised encampment, does not do so.</p>



The map above is the area where the council is considering introducing a Public Spaces Protection Order for Haysden Country Park

**Measure 1**

**No unauthorised BBQs**

TMBC has received a number of complaints from the public that these are left on the ground and also are placed in bins causing them to burn out which the public then complain about. BBQs cause damage to the Country side, burning dry fields, hot coals placed in bins have been causing much damage to the bins and can result in unpleasant smoke drifting for some distance.

**Proposal**

No unauthorised BBQs within Haysden Country Park. A Fixed Penalty Notice will be issued to anyone seen with an unauthorised BBQ.

**Measure 2**

**No unauthorised Swimming, bathing or boating activities**

TMBC has received numerous complaints from the public about anti-social behaviour involving people swimming in the lakes in this area. Unauthorised swimming can have a detrimental effect on wildlife and can be linked to excessive noise and distress to others.

**Proposal**

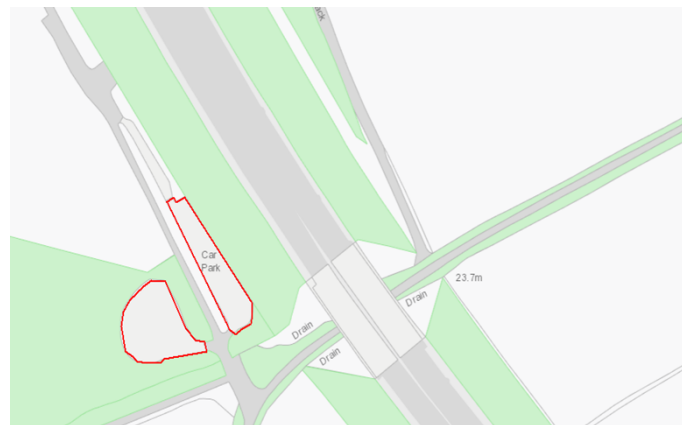
No unauthorised swimming, bathing or boating within Haysden Country Park. A Fixed Penalty Notice will be issued to anyone seen undertaking these activities without authorisation.

Proposed - Public Spaces Protection Order	Haysden Country Park
<p><b>Measure 3</b></p>	<p><b>Keeping dogs on a lead</b>  On numerous occasions it has been reported that food is stolen from children and the elderly by uncontrolled dogs. This measure is to ensure the safety of all users and prevent distress to anyone.</p> <p><b>Proposal</b>  To keep dogs on a lead within the designated areas in the car parks and at the catering unit at Haysden Country Park (see maps below). A Fixed Penalty Notice will be issued to anyone seen not following this Order.</p>
<p><b>Measure 4</b></p>	<p><b>No unauthorised camping</b>  The Borough Council is satisfied that unauthorised camping in a public place is being carried out within this area or it is likely that this activity will be carried out and this is having, or it is likely to have, a detrimental effect on the quality of life of those in the locality. People camping in this area have been known to set fires; leave rubbish and cause alarm or distress to others.</p> <p><b>Proposal</b>  A Fixed Penalty Notice will be issued to anyone who, when asked to remove an unauthorised encampment, does not do so.</p>

Map showing dogs on lead area within main car park and catering area



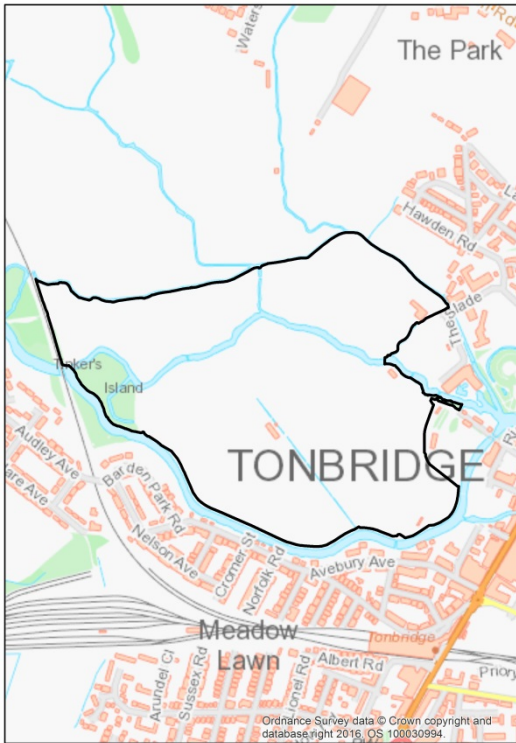
Map showing dogs on lead area within Lower Haysden Lane Car Park



Map showing dogs on lead area within Audley Rise Car Park



Tonbridge Racecourse Sports Ground



Tonbridge Castle



The map above is the area where the council is considering introducing a Public Spaces Protection Order for Tonbridge Racecourse Sports Ground and Tonbridge Castle

**Measure 1**

**No unauthorised BBQs**

TMBC has received a number of complaints from the public that these are left on the ground and also are placed in bins causing them to burn out which the public then complain about. BBQs cause damage to the Country side, burning dry fields, hot coals placed in bins have been causing much damage to the bins and can result in unpleasant smoke drifting for some distance.

**Proposal**

No unauthorised BBQs within Tonbridge Racecourse Sports ground and Tonbridge Castle. A Fixed Penalty Notice will be issued to anyone seen with an unauthorised BBQ.

**Measure 2**

**Keeping dogs on leads**

The area around Tonbridge Castle is very popular and uncontrolled dogs can cause alarm and distress to those people using this area. By keeping dogs on a lead in this area it will prevent anyone from feeling distressed by an uncontrolled dog.

**Proposal**

To keep dogs on a lead within the Castle grounds (see map below). A Fixed Penalty Notice will be issued to anyone who is seen not following this Order.

**Proposed - Public Spaces Protection Order**

**Tonbridge Racecourse Sports Ground and Tonbridge Castle**

**Measure 3**

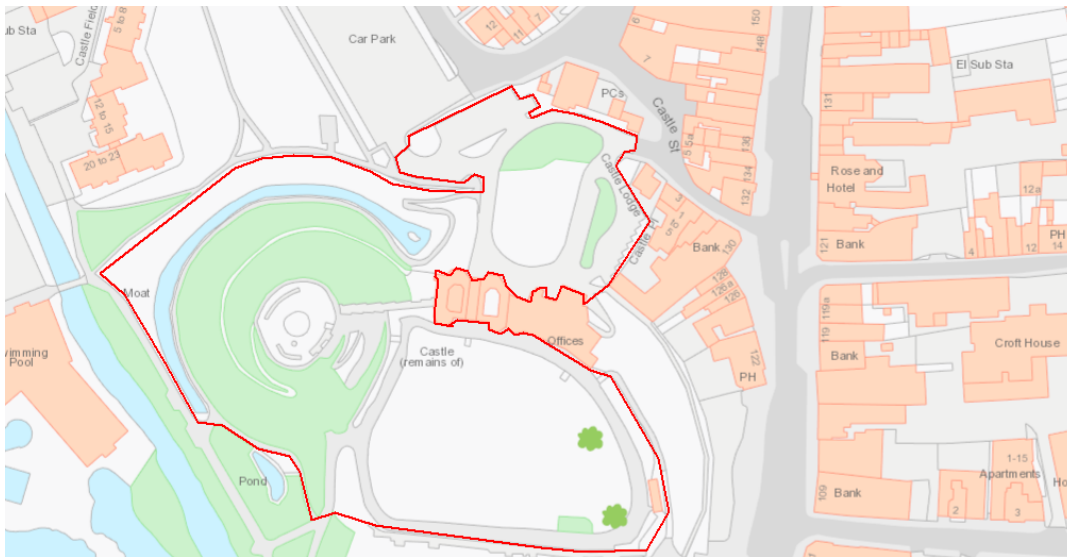
**No unauthorised camping**

The Borough Council is satisfied that unauthorised camping in a public place is being carried out within this area or it is likely that this activity will be carried out and this is having, or it is likely to have, a detrimental effect on the quality of life of those in the locality. People camping in this area have been known to set fires; leave rubbish and cause alarm or distress to others.

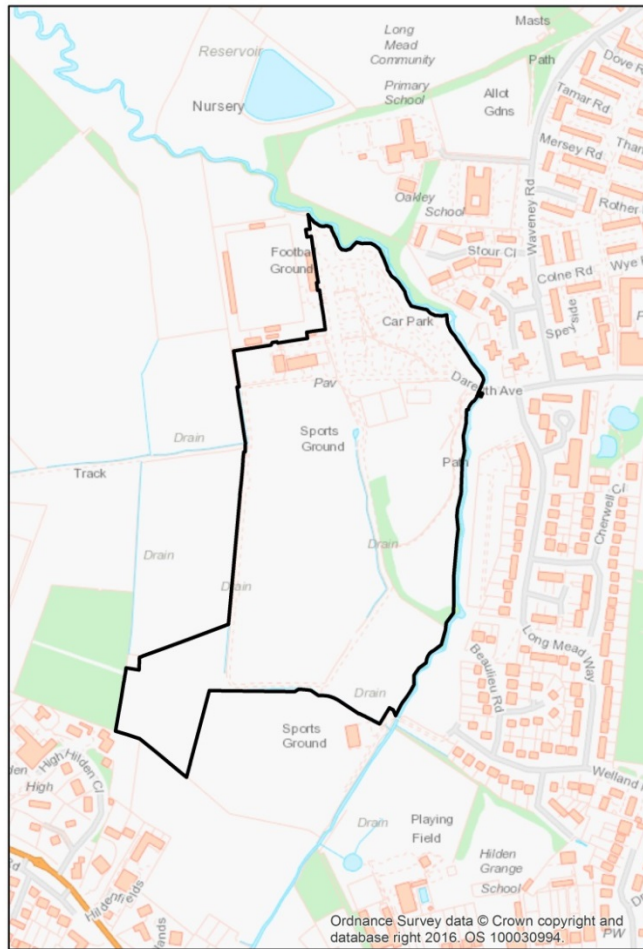
**Proposal**

A Fixed Penalty Notice will be issued to anyone who, when asked to remove an unauthorised encampment, does not do so.

Map showing dogs on lead area within Tonbridge Castle grounds



Tonbridge Farm Sports Ground



The map above is the area where the council is considering introducing a Public Space Protection Order for Tonbridge Farm Sports Ground

**Measure 1**

**No unauthorised BBQs**

TMBC has received a number of complaints from the public that these are left on the ground and also are placed in bins causing them to burn out which the public then complain about. BBQs cause damage to the Country side, burning dry fields, hot coals placed in bins have been causing much damage to the bins and can result in unpleasant smoke drifting for some distance.

**Proposal**

No unauthorised BBQs within Tonbridge Farm Sports ground. A Fixed Penalty Notice will be issued to anyone seen with an unauthorised BBQ.

**Measure 2**

**Keeping dogs on leads**

Tonbridge Farm Sports ground is very popular and uncontrolled dogs can cause alarm and distress to those people using this area. By keeping dogs on a lead in the car park area this will help to reduce feelings of distress by users of the park.

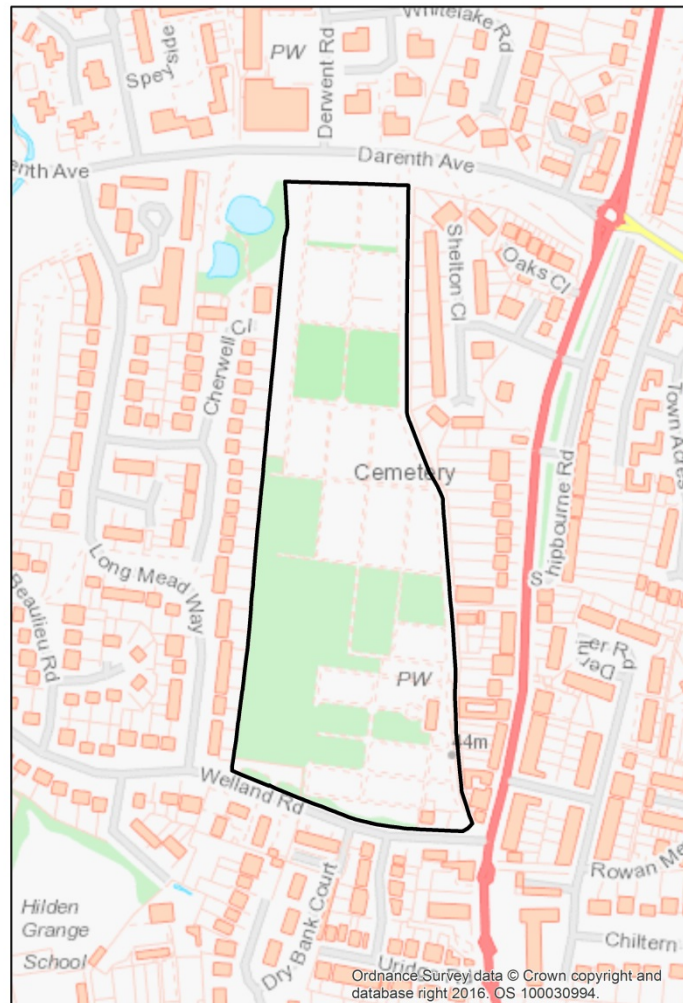


Proposed - Public Spaces Protection Order	Tonbridge Farm Sports Ground
	<p><b>Proposal</b> To keep dogs on a lead within the car park of Tonbridge Farm Sports ground (see map below). A Fixed Penalty Notice will be issued to anyone who is seen not following this Order.</p>
<p><b>Measure 3</b></p>	<p><b>No unauthorised camping</b> The Borough Council is satisfied that unauthorised camping in a public place is being carried out within this area or it is likely that this activity will be carried out and this is having, or it is likely to have, a detrimental effect on the quality of life of those in the locality. People camping in this area have been known to set fires; leave rubbish and cause alarm or distress to others.</p> <p><b>Proposal</b> A Fixed Penalty Notice will be issued to anyone who, when asked to remove an unauthorised encampment, does not do so.</p>

Map showing dogs on lead area within Tonbridge Farm Sports Ground



Tonbridge Cemetery



The shaded area of the map above is the area where the council is considering introducing a Public Spaces Protection Order

**Measure 1**

**Keeping dogs on leads**

Tonbridge Cemetery is a place of mourning and reflection and dogs that are not controlled can cause alarm and distress to those using the cemetery.

**Proposal**

To keep dogs on a lead within Tonbridge Cemetery. A Fixed Penalty Notice will be issued to anyone who is seen not following this Order.

## Tonbridge & Malling Borough Council

### Proposal for Public Spaces Protection Orders in the Borough

#### QUESTIONNAIRE



Visit: [www.tmbc.gov.uk](http://www.tmbc.gov.uk)

## Public Space Protection Order in Tonbridge & Malling

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a range of new powers designed to address anti-social behaviour. Tonbridge & Malling Borough Council is considering introducing Public Space Protection Orders (PSPO) to cover the open spaces within the borough and at specific locations (Leybourne Lakes Country Park; Tonbridge Memorial Gardens; Tonbridge Moorings; Haysden Country Park; Tonbridge Racecourse Sports Ground and Tonbridge Castle; Tonbridge Farm Sports Ground; and Tonbridge Cemetery). This will allow the Council to introduce a range of measures to address anti-social behaviour issues and help improve public spaces in this area.

We would like to hear your views, so please complete this questionnaire by XXX 2017 and return to PSPO Consultation, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling ME19 4LZ.

There is more background information about this consultation and an online survey on [www.tmbc.gov.uk](http://www.tmbc.gov.uk)

If you have any further questions please email [csp@tmbc.gov.uk](mailto:csp@tmbc.gov.uk) or telephone 01732 876151.

### How to complete this questionnaire

- Please use a black or blue pen
- Please read each question carefully and cross a box to indicate your answer for example  X
- If you make a mistake, just shade in the box and put a cross in the one you want
- Some questions may ask you to write in a box. Please try to keep your answer within the space provided.
- If there are any questions you do not wish to answer, please feel free to leave them blank
- Once you have completed the questionnaire; please return it by Tuesday 31 January 2017.

Annex 2

1. Are you responding as a ...? Please cross all that apply.

Local resident who lives in Tonbridge & Malling. Please add your postcode here:

Person who works in Tonbridge & Malling

Local business owner/manager

Visitor to Tonbridge & Malling

Local Town or Parish Councillor

Representative of a local community or voluntary group (please state the name of the group and postcode below)

Other (please state below)

2. Do you agree with the proposal to introduce a borough wide Public Spaces Protection Order (PSPO) to deter dog fouling?

Yes

No

Don't know

Please give any further comments below:

Annex 2

3. Do you agree with the proposal to introduce a borough wide PSPO to exclude dogs from Borough Council owned and maintained children's play areas?

Yes

No

Don't know

Please give any further comments below:

4. Do you agree with the proposal to introduce a borough wide PSPO to ensure dogs are on a lead by direction?

Yes

No

Don't know

Please give any further comments below:

5. Do you agree with the proposed PSPO to restrict the number of dogs that one person can take onto a public place to six dogs to ensure that they have full control of these dogs?

Yes

No

Don't know

Annex 2

Please give any further comments below:

6. Do you agree with the proposal to introduce a borough wide PSPO for a controlled alcohol zone?

- Yes
- No
- Don't know

Please give any further comments below:

7. Do you agree with the proposal to introduce a borough wide PSPO to deter public urination/defecation?

- Yes
- No
- Don't know

Please give any further comments below:

Annex 2

8. Do you agree with the proposed PSPO for Leybourne Lakes Country Park?

Yes

No

Don't know

9. Is there anything else that you would like to see included in the PSPO for Leybourne Lakes Country Park?

10. Do you agree with the proposed PSPO for Tonbridge Memorial Gardens?

Yes

No

Don't know

11. Is there anything else that you would like to see included in the PSPO for Tonbridge Memorial Gardens?

12. Do you agree with the proposed PSPO for Tonbridge Moorings?

Yes

No

Don't know



Annex 2

13. Is there anything else that you would like to see included in the PSPO for Tonbridge Moorings?

14. Do you agree with the proposed PSPO for Haysden Country Park?

- Yes  
 No  
 Don't know

15. Is there anything else that you would like to see included in the PSPO for Haysden Country Park?

16. Do you agree with the proposed PSPO for Tonbridge Racecourse Sports Ground and Tonbridge Castle?

- Yes  
 No  
 Don't know

17. Is there anything else that you would like to see included in the PSPO for Tonbridge Racecourse Sports Ground and Tonbridge Castle?

Annex 2

19. Do you agree with the proposed PSPO for Tonbridge Farm Sports Ground?

- Yes
- No
- Don't know

20. Is there anything else that you would like to see included in the PSPO for Tonbridge Farm Sports Ground?

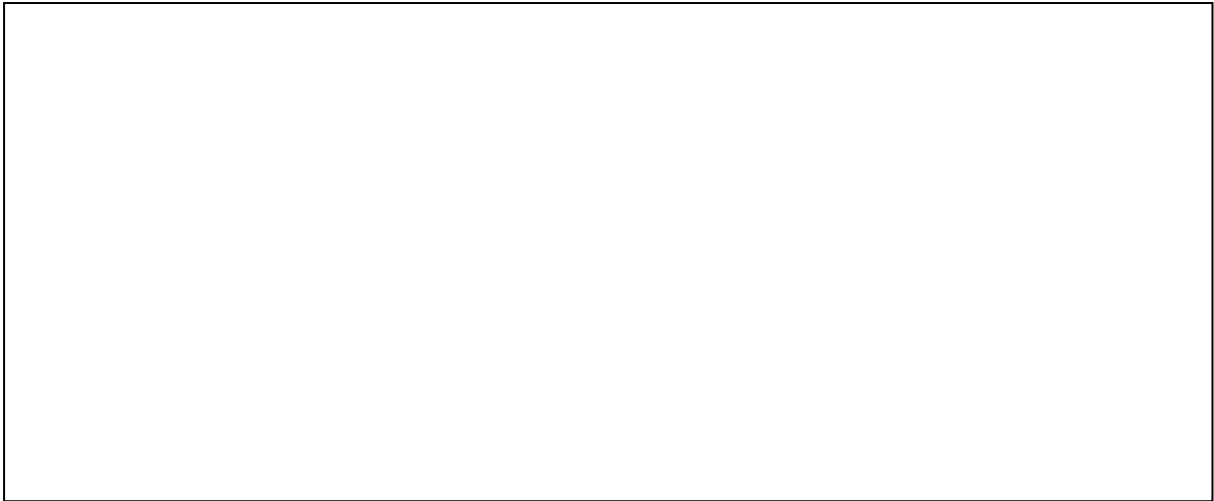
21. Do you agree with the proposal PSPO for Tonbridge Cemetery?

- Yes
- No
- Don't know

22. Is there anything else that you would like to see included in the PSPO for Tonbridge Cemetery?

Annex 2

23. Is there anything else that you would like to see included within the proposed Public Spaces Protection Order?



Thank you for completing the survey. Please return it to the following address by 15 March 2017 or email [csp@tmbc.gov.uk](mailto:csp@tmbc.gov.uk)

PSPO Consultation  
Tonbridge & Malling Borough Council,  
Gibson Building, Gibson Drive  
Kings Hill  
West Malling  
Kent ME19 4LZ

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# Agenda Item 7

- Parish Charter update

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## Planning Committee Site Inspections

A Members site inspection can be carried out where an application is to be determined by an Area Planning Committee. The Committee Chairman, in consultation with the Head of Planning, will normally identify the need for any site inspections in advance of meetings of the Committee. Otherwise, only exceptionally should an item be deferred for a site inspection and it should only take place if voted for by a majority of the Area Planning Committee.

A Councillor who believes a site inspection is necessary in a particular case, having careful regard to the criteria below, is encouraged to contact the Head of Planning as soon as possible. A Councillor making such a request should state under which of the four criteria below the Inspection is requested and also provide supporting justification. The Head of Planning will then consult with the Chairman of the Area Planning Committee regarding the request for the site inspection. The same justification is required should the Head of Planning believe a site inspection is necessary.

A Members' Site inspection should only be used where the benefit of doing so is clear and substantial. The decision to hold a site inspection must fit at least one of the following criteria:

- i. Particular site factors are so significant in terms of weight attached to them, relative to other factors, and that a site inspection would be the only way to assess those factors.
- ii. It is essential in order to reach a view on an application that the specific and particular characteristics of the site need to be viewed on the ground in order to assess the broader material impact of the proposal
- iii. The proposal raises specific matters in respect of site characteristics, the importance of which can only be established by means of a site inspection
- iv. The proposal is of such a major or strategic scale that a site inspection is essential to enable members to be fully familiar with all site-related matters of fact

The purpose of a site inspection is solely for Planning Committee Members to view the site and its surroundings and to relate the application proposals to the site. Officers will explain the submitted drawings. Neither the applicant, their agent nor any supporters or objectors should take part. Where an applicant or land owner and/or their agent have to be present to allow access to the site, the visiting Members should stand away from him or her (or if necessary, politely ask the applicant or owner to stand away) and should not engage in any discussions.

One representative from the Parish Council, in whose area the site is located, may attend the site inspection. The Parish Council representative may observe proceedings, but should not take part or engage in any discussions. The relevant Parish Council will be notified in advance of the date and time the site inspection is

scheduled to take place and should advise Committee Services if they wish a representative to be present. Access to the site by the Parish Council representative is at the discretion of the landowner.

Members should avoid any discussion of the merits of the case on site, on the journey to/from the site, or anywhere other than the subsequent Committee meeting when the application is reported for determination. No decision will be taken on site. The application will normally be considered at the next ordinary meeting of the Area Planning Committee.



### **Procedure for Members Site Inspections**

- i. The date and time for the site inspection will be arranged by the Planning Service in consultation with the Chairman of the Area Planning Committee, taking account of the availability of access to the site to be confirmed by the applicant.
- ii. The date and time of the site inspection will be confirmed with all Members of the Committee by email.
- iii. The Parish Council will be notified of the date and time of the site inspection and asked to confirm in writing whether they wish a representative to be present.
- iv. Officers will consider whether any special arrangements or requirements in relation to health and safety are necessary for the site inspection and, if this is the case, ensure they are put in place.
- v. On arrival at the site the applicant or landowner and/or their agent will provide access to the Members of the Committee, the attending Planning Officer and the Parish Council representative. In thanking the applicant or landowner and/or their agent for providing access they should then be advised by the Chairman to withdraw from the group of Members and be asked not to engage with Members while the inspection is taking place.
- vi. The Chairman should advise the Parish Council representative, if one is present, that they are welcome in observing proceedings but should not engage with Members during the site inspection.
- vii. The Chairman will remind Members of the Planning Committee that the purpose of the site visit is to view the site and its surroundings and to relate the application proposals to the site and that, whilst Members might wish to point out site features and ask questions of officers, there should be no discussion of the merits of the proposal
- viii. The Chairman will normally ask the attending Planning Officer to provide a description of the proposed development and to make available any plans and/or documents that Members may find helpful in carrying out the site inspection
- ix. The Chairman will then lead the Committee Members in surveying the site, inviting Members to remain in a single group as far as possible so as to hear any point of fact or interest from the planning officer.

- x. The attending Planning Officer will provide clarification on any technical matters that Members may find helpful during the course of the site inspection and as far as possible respond to questions about features of the site, the siting and arrangement of the proposed development and its relationship to features of the site and its surroundings. If matters are raised that are material to the application, but that cannot be answered immediately, the planning officer will record the issue and it will be dealt with subsequently.
- xi. Once the site inspection has been carried out the attending Planning Officer will advise the applicant or landowner and/or their agent and thank them for their cooperation.
- xii. Should other third parties attempt to attend the site inspection then the Chairman should advise them that they cannot take part, but would be able to make any written representations, or take advantage of the right to speak, when the application is presented to the Committee.
- xiii. Should other parties be persistent in attempting to attend the site inspection they will be requested by the Chairman not to interject at any point and not to engage with Members. In so doing the Chairman will explain the defined purposes of the site inspection. In extreme circumstances the Chairman may choose, at their discretion, to adjourn to another date and time.

## **Tonbridge and Malling Parish Partnership Panel**

**Thursday, 16 February 2017**

### **Kent County Council Services Update**

#### **Key points from the Report by Paul Carter, Leader of the Council to Full Council on 8 December 2016 (presented by Mr Simmonds, Deputy Leader)**

- The annual settlement was awaited from the Government. In the Autumn Budget Statement from the Chancellor a significant omission was any mention of help for Adult Social Care and in particular, meeting the pressures Local Authorities were facing in providing care for the elderly. KCC is lobbying hard and has spoken with Kent MPs regarding the scope of the problem in meeting the demands of adult social care. These are inextricably linked to the problems in the Health Service relating to bed occupancy and ensuring there is a support infrastructure for those in hospital and needing continuing care. KCC's approach to this is fully supported by the Local Government Association.
- Sajid Javid MP (Minister for Communities and Local Government) and Chris Grayling MP were lobbied strongly when they attended the County Council's Network (CCN) Conference. CCN (Chaired by Paul Carter) has fully endorsed the request to Government to look again at providing this essential support.
- Reference was made to the very real budgetary problems that many Local Authorities had experienced which have been triggered by the need to prop up their adult social service budget. One of the options mentioned was that Government might allow an additional County Tax precept. An additional 1% Council Tax precept for Kent would produce roughly £5.6m which would help but would not meet entirely the pressures KCC was facing. The CCN has made it clear to Government that although this 1% would only be an additional £10 per annum for a band C taxpayer, which did not sound unreasonable, it would be in addition to the 1.9% council tax rise which KCC would be seeking and the 2% social care levy.
- There is a huge difference in care available between East and West Kent. In West Kent despite active recruitment there are simply not enough carers to meet demand despite premium payments from self-funders in the wealthier districts. As the aging population increases the situation will get worse. It is hoped the financial strain will begin to ease with the monies from the new Better Care Fund in 2018/19, but there may be additional obligations placed on local authorities with this additional money.
- Reference was made to the change over to the business rate. The Government is being lobbied to ensure the balancing formula for those local authorities who could not generate sufficient business rates was sensible and did not only favour the London Boroughs who did so much better than the shire countries.
- KCC is lobbying for restraint on London Boroughs, particularly those that are seeking to solve their housing problems by acquiring Kentish accommodation, which was so badly needed for its own Council Tax payers.

## **Apprenticeships for All**

KCC wants to offer more people than ever the opportunity to find rewarding jobs and careers through its apprenticeships. So it's making it easier for everyone to take their first steps, no matter what experience or qualifications they have.

If you think you or someone you know is ready to take up an apprenticeship right now, you can read about and apply for apprenticeships in all areas of work through [Apprentice Kent](#).

<http://www.kent.gov.uk/education-and-children/college-sixth-form-employment-and-training/options-at-16-and-beyond/apprenticeships-for-all>

## **Kent Fostering - Open your Heart**

KCC urgently needs people to provide children and young people with loving homes, particularly for:

- older children aged 13 to 18
- siblings
- disabled children
- unaccompanied asylum seeking young people.

Find out about the benefits, payments and all the support Kent County Council can provide you. For more information please contact 03000 420 002.

Fostering events are also a great way to find out more about what's involved. The next event in West Kent will be at 7.00pm on Thursday, 23 February at Broadmead Church, Tunbridge Wells, TN2 5RF

## **Keep well, keep warm this winter**

For advice on how to keep well, including how to protect yourself from flu, keep yourself warm, how to book a Winter Home Safety Visit, and find out what health services are open in your local area visit:

<http://www.kent.gov.uk/social-care-and-health/health/healthy-living/winter-health>

## **Options after 16**

Find out about the options available to young people once they turn 16, including education, employment and training:

<http://www.kent.gov.uk/education-and-children/college-sixth-form-employment-and-training>

## **Volunteer Support Warden Scheme**

This scheme was piloted as part of the Kent Community Warden Service in seven areas across Kent. As a result of the success of the pilot, it is planned to offer a full scheme to all local councils from April 2017, with costs shared between participating councils and KCC.

## **Kent and Medway Business Fund**

The fund offers 0% loans between £50,000 and £500,000 to small and medium sized businesses in Ashford, Canterbury, Dartford, Dover, Gravesham, Maidstone, Medway, Sevenoaks, Shepway, Swale, Thanet, Tonbridge & Malling, and Tunbridge Wells.

<http://www.kent.gov.uk/business/business-loans-and-funding/kent-and-medway-business-fund>

## **Kent Public Health Observatory (KPHO) <http://www.kpho.org.uk/>**

KPHO provides public health intelligence through data collection, analysis and interpretation. Its library gives access to knowledge, resources and evidence to support public health and social care. It has a library based in Sessions House, Maidstone.

## **Sign up to KCC's new mailing list and receive the latest council news in your mailbox**

By subscribing to KCC's free emailing service residents can receive important Kent County Council information and news as it becomes available. A valid email address is required and will be used only to provide information on topic preferences subscribed to. For more information visit: [www.kent.gov.uk](http://www.kent.gov.uk)

## **KCC Highways – report a problem on the road or pavement**

KCC Highways, Transportation and Waste welcomes feedback from its customers and has designed a fault reporting tool so that residents can quickly and easily let us know about any problems on the roads and footways or about any equipment such as streetlights, that may not be working.

**If you wish to report a fault visit:** [www.kent.gov.uk/highwayfaults](http://www.kent.gov.uk/highwayfaults)

From here can be viewed all known issues, any planned works, report multiple issues, upload photos as well as track any existing enquiries. KCC no longer offers a generic email service as the improved online fault reporting tool has been designed to ensure all of the information is captured so that faults are responded to quickly. Residents can still call to report any complex or urgent matters on 03000 418181 and speak to one of KCC's trained highway specialists.

## **KCC Combined Member Grant Scheme 2016/17**

For more information on the Combined Member Grant scheme, please contact your local County Councillor or Anne Charman, KCC Community Liaison Officer.

KCC also produces a monthly publication 'Inside Track' which provides information on funding opportunities at a county and national level. For a copy of Inside Track or information on other funding opportunities visit: <http://www.kent.gov.uk/leisure-and-community/community-grants-and-funding>.

## Consultations - **have your say, your views count**

You can view all KCC consultations online at: <http://consultations.kent.gov.uk/consult.ti>

**Signed up to the KCC Consultation Directory yet?** It only takes a few minutes to register and gives a full list of past, current and planned consultations and provides an opportunity to feedback on local services and policies. It enables KCC to contact residents when an activity is due to take place or to receive feedback for a particular consultation or involvement activity when it is published on KCC's website.

(Please note there are separate lists for **Traffic Regulation Orders** and **Start of Works Notices** and for **Public Rights of Way Notices**.)

### **Active consultations:**

#### **Freight Action Plan for Kent – 16 January to 12 March 2017**

Kent is unique in its strategic location in the country as a gateway to mainland Europe. Despite the positive economic benefits road freight brings to the county and UK, the negative implications are felt across the county. The Freight Action Plan for Kent includes nationally and locally important priorities such as Operation Stack and the provision of overnight lorry parking as well as looking into HGV routing and the powers that KCC can use to reduce the negative impacts of road freight. The plan incorporates a refresh of the original Freight Action Plan but brings it up to date with what we have already achieved and what we will plan and continue to do to mitigate the negative impacts of road freight in Kent.

The Freight Action Plan sets out what KCC has already achieved, the roles and responsibilities of the major stakeholders of freight traffic in Kent and outlines five key actions to help mitigate the negative impacts of road freight to the county which are as follows:

- to tackle the problem of overnight lorry parking in Kent,
- to find a long term solution to Operation Stack,
- to effectively manage the routing of HGV traffic to ensure that such movements remain on the strategic road network for as much of its journey as possible,
- to take steps to address the problems caused by freight traffic to communities,
- to ensure that KCC continues to make effective use of planning and development control powers to reduce the impact of freight traffic.

This consultation is an opportunity for people and organisations within Kent to express their views, including the extent to which they agree with our actions and approach to freight issues.

For more information:

<http://consultations.kent.gov.uk/consult.ti/freightactionplan/consultationHome>

## KCC news

To view the latest news and releases from KCC visit KCC's Media Hub at <https://kccmediahub.net/>

### Recent media releases

#### ***KCC Leader welcomes flood defences funding***

Kent County Council has welcomed news that multi-million pound funding has been given to the Leigh, Hildenborough and East Peckham flood defences.

The £4.6 million will go towards the flood defence schemes and joins the committed £2.5m for the Leigh from KCC. It comes after extensive work between Kent County Council, the Environment Agency, Maidstone, and Tonbridge and Malling Borough Councils on the schemes.

The EA identified improvements to the Leigh and Hildenborough Flood Storage Areas, and a new flood alleviation scheme in East Peckham, as the best way to reduce the risk of flooding to as many people as possible.

Funding for this six year programme will see improvements to the Leigh Flood Storage Areas and new embankment in Hildenborough and will cost an estimated £17.1 million.

This will be funded by central government, Kent County Council and Tonbridge Malling Borough Council, together with other contributions.

A separate flood alleviation scheme in East Peckham is estimated at £7.5 million and is reliant upon a successful application for funding from the South East Local Enterprise Partnership.

The funding is part of £34.2m of government cash announced recently to help create jobs, support businesses and create new growth opportunities.

#### ***Kent County Council plans to stop illegal lorry parking on Kent's roads.***

Kent County Council is looking into the feasibility of a number of small lorry parks across the county to help alleviate the blight of illegal lorry parking.

The new parks would be run as a private and public partnership and KCC will work closely with the private sector to identify what funding options exist to deliver the sites.

#### ***Strengthening Community Organisations in Kent.***

More than £1 million is being pumped into developing and strengthening community organisations. Following the publication of Kent County Council's Voluntary and Community Sector (VCS) policy in September last year, a new service is being introduced to provide support to voluntary sector organisations in the county.

The service is being funded by KCC, and will be delivered by Stronger Kent Communities, a consortium of organisations, starting on January 1 covering the whole county.

Stronger Kent Communities is made up of a number of partners including Funding for All, Kent CAN, Action with Communities in Rural Kent and a number of the Volunteer Centres from across Kent. It is funded for at least three years, although it is intended to create a sustainable model of support for the VCS in Kent in the longer term.

For more information: <http://www.kentcan.org/welcome-to-the-temporary-landing-page-for/>

### ***Award for Britain's most improved road***

Kent County Council has been awarded a Prince Michael International Road Safety Award for Britain's most improved road.

The award was presented for the council's highway safety improvements on the A227 between Tonbridge High Street and Borough Green. Prince Michael International Road Safety Awards are presented to organisations in recognition of their outstanding contribution to improving road safety.

KCC was nominated by iRAP, a registered charity dedicated to preventing the more than 3,500 road deaths that occur every day worldwide.

For more information on any of these subjects please contact:

**Anne Charman**, KCC Community Liaison Officer

[anne.charman@kent.gov.uk](mailto:anne.charman@kent.gov.uk) or 07717 665893

*KCC's **Community Liaison Team** covers all 12 district council areas in Kent supporting local County Councillors in their role as community leaders and administering their grants. The team works closely with partners from the public, private and voluntary sectors, to help ensure Kent's residents and local community groups are kept well informed about KCC's services and are given the opportunity to influence decisions.*





Tonbridge and Malling Borough Council Services Update

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