

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
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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, 9th April, 2019 at 7.30 pm, when the following business is proposed to be transacted:-

NB Background reports to items referred from Cabinet and Committees have been omitted from printed agenda packs.

PART 1 - PUBLIC

1. Apologies for absence 5 - 6

2. Declarations of interest 7 - 8

To declare any interests in respect of recommended items

3. Minutes 9 - 22

To confirm as a correct record the Minutes of the meeting of Council held on 19 February 2019

4. Mayor's Announcements 23 - 24

5. Planning Application TM/18/00357/OA - The Nursery, Taylors Lane, Trottiscliffe 25 - 48

To consider planning application TM/18/00357/OA for replacement of an existing static mobile home with a detached dwelling as permanent accommodation for an agricultural worker associated with the plant nursery at Taylors Lane, Trottiscliffe, adjourned for determination by the full Council in accordance with Council Procedure Rule No 15.25.

6. Questions from the public pursuant to Council Procedure Rule No 5.6 49 - 50

7. Questions from Members pursuant to Council Procedure Rule No 5.5 51 - 52
8. Leader's Announcements 53 - 54
9. Reports, Minutes and Recommendations 55 - 56

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 10 to 13.

10. Statement of Licensing Policy 2019 - 2024 Consultation 57 - 96

Item LA 19/15 referred from Licensing and Appeals Committee minutes of 12 March 2019

11. Update on the Kent Downs Area of Outstanding Natural Beauty Management Plan and the Adoption of the High Weald Management Plan 97 - 102

Item CB 19/30 referred from Cabinet minutes of 19 March 2019

12. Audit Committee Annual Report 103 - 104

Item referred from Audit Committee minutes of 1 April 2019 – to follow

13. Local Code of Corporate Governance 105 - 106

Item referred from Audit Committee minutes of 1 April 2019 – to follow

14. Funding of Unbudgeted Projects 107 - 114

This report sets out for Council two unbudgeted projects which need to be progressed without delay. The projects relate to the reinstatement of the path and fencing on the Tonbridge Castle Motte and high priority health & safety repairs to a number of bridges owned by the Council.

15. Programme of Meetings 2019/20 115 - 122

The report brings forward for consideration the programme of meetings for 2019/20.

16. Sealing of Documents 123 - 124

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

17. TM/18/00357/OA - The Nursery, Taylors Lane, Trottiscliffe 125 - 130

LGA 1972 Sch12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

JULIE BEILBY
Chief Executive
Monday, 1 April 2019

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Apologies for absence

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Agenda Item 2

Declarations of interest

To declare any interests in respect of recommended items.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 19th February, 2019

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 19th February, 2019

Present: Her Worship the Mayor (Councillor Mrs P A Bates), the Deputy Mayor (Councillor Mrs J A Anderson), Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs S Bell, Cllr T Bishop, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr N J Heslop, Cllr D Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr C P Smith, Cllr A K Sullivan, Cllr F G Tombolis and Cllr T C Walker

Apologies for absence were received from Councillors R P Betts, P F Bolt, Mrs T Dean, Mrs M F Heslop, H S Rogers, R V Roud, M Taylor, Miss G E Thomas and B W Walker

PART 1 - PUBLIC

C 19/1 DECLARATIONS OF INTEREST

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

C 19/2 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 30 October 2018 be approved as a correct record and signed by the Mayor.

C 19/3 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since October she had visited many school nativities, Christmas fayres and award presentations. She highlighted a number of memorable events including the Hi Kent dinner, Eynsford Band concert, Kings Hill Parish Council's opening of a new play area, Kent Young Chef 2019, visit to the 8th Tonbridge Brownies and Guides, Heart of Kent Hospice's Light up a Life service and a visit to Demelza Hospice. The Mayor had also attended the switching on of Christmas lights at Snodland and Liberty Square, West Kent College's Burns Night,

the induction of the vicar of St Peter and St Paul's Church, Aylesford and presentations of the Bluebird Care Assistant of the Year, Kent Police Certificate of Merit and to the Environment Champions.

Past Mayoral events included Remembrance Sunday Services, hosting local primary and senior schools' debates and the Charity Night at the Oast Theatre. The Mayor encouraged Members to buy tickets for the forthcoming Charity Event at the Old Fire Station on 10 April.

C 19/4 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 19/5 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 19/6 LEADER'S ANNOUNCEMENTS

The Leader began by formally welcoming Eleanor Hoyle as the Borough Council's new Director of Planning, Housing and Environmental Health and wishing her all the best at Tonbridge and Malling.

He indicated that Councillor Peter Bolt had been very unwell of late but was pleased to say that he was now back at home. The Leader would be writing to him on behalf of the Council and sending best wishes.

Members were advised that Councillor Martin Coffin would present the budget proposals later in the proceedings and, in doing so, would set out the achievements of the Council over the course of the past four years.

Financial matters

The Leader reminded Members that the Council's record was set against one of the toughest economic circumstances. Notwithstanding losing over £1 million in grant funding since 2016/17 (or 15.2 per cent), Members working with the officers had held their nerve in maintaining front line services but also exceeding the requirements of the savings and transformation strategy by £629,000. Members were asked to note that the Council had over-achieved on the savings and transformation target of £350k for this year. As Grant Thornton reported in the most recent audit letter, they were "satisfied that the Council put in place proper arrangements to ensure economy, efficiency and effectiveness in its use of resources."

A clean and tidy Borough

The Leader stated that a key priority for residents was to maintain a clean and tidy Borough. The Council had the responsibility to empty the bins of over 52,000 households and sweep over 400 miles of roads, pavements and footpaths. He was pleased to report that the latest data from the Kent Waste Resource Partnership showed that just 0.04 per cent of what was collected was taken to landfill.

Members of the Street Scene and Environment Services Advisory Board recently had the opportunity to meet the Business Development Manager and Contract Manager for Urbaser and asked a number of detailed questions relating to the new contract. The new contract would commence on 1 March with the new recycling arrangements being introduced on 30 September. Every household would receive an introductory leaflet next week through their door and officers were making further arrangements to meet Parish Councils and hold a number of roadshows.

The Leader advised that the Government yesterday went out to consultation on its new long term Waste and Recycling strategy, focusing on three areas including reforming the UK packaging producer responsibility system, introducing a deposit return scheme and consistency in household and business recycling collection. He indicated that the majority of the recommendations in the strategy were in line with the Council's future approach and were welcomed. The Government had said that it would fund a free garden waste collection service; with over 53 per cent of local authorities now charging for green waste, any such consideration would be subject to significant financial implications. The Leader stated that the Council would be responding in full to the consultation in close liaison with the Kent Resource Partnership.

Local communities also played their part and the Leader was sure Members would wish to support their own groups with the Great British Spring Clean between 22 March and 23 April. In his own ward, Councillor Mark Davis and he would be supporting the Woodland Walk Residents' Group with their own litter pick.

Local Plan

The Leader said Members would be aware that the Local Plan agreed by full Council on 12 September was submitted to the Secretary of State in time to meet the deadline for the transitional arrangements on 23 January. Last week, the Council was advised that two inspectors had been appointed, Mr Simon Berkeley and Mr Luke Fleming and officers were now liaising with them via the Programme Officer in preparation for the public inquiry.

Housing – TA

When the Council last met, the Leader had been pleased to report that the purchase of six units for temporary accommodation had been completed and were in use. He indicated that while all six units were now in use, there had also been a turnaround of occupants as the housing team were able to find permanent housing solutions for clients.

Processing Benefits claims

The Leader referred to information given at the most recent meeting of the Finance, Innovation and Property Advisory Board that the Benefits team now ranked third out of the 391 councils for the time taken to process benefits claims. There were no other Kent councils in the top 20. The average number of days to assess new benefit claims between April and December was 12.3, while it took an average of 2.2 days to deal with changes in circumstances.

He said this was an extremely commendable performance by the team, not least when considering that the recipients were those facing particular financial hardship. Members of the Audit Committee would be aware that Grant Thornton reported that no amendments were required to the housing subsidy claim; again a creditable performance by the team.

Country Parks

The Leader referred to the fact that Haysden Country Park had won the prestigious Green Flag Award from Keep Britain Tidy for 13 years in a row and Leybourne Lakes Country Park for 12 successive years.

Members of the Communities and Housing Advisory Board would see at its next meeting a detailed report of a recent onsite casual user survey at Haysden Country Park showing that 99.5 per cent of visitors were satisfied with the Park. This represented an increase of 2.5 per cent since the last survey in 2013 and reflected the continuing high standards being achieved and the significant level of ongoing investment in the site over recent years, funded in the majority of cases by developer contributions.

Business engagement

The Leader advised that in the past year, the Borough Council in partnership with others had hosted 8 business networking events (5 in Tonbridge, 2 in Snodland and 1 in Kings Hill). Over 200 businesses had attended one or more of these events which had helped build awareness of the activities the Council was undertaking to support the local economy, as well as wider hot topics such as cybercrime, GDPR and new funding opportunities and business advice. Feedback from local businesses attending these events had been overwhelmingly positive. The Council had also continued to produce a monthly e-bulletin for local

businesses which currently had a subscription list of over 600 business contacts.

Members were advised that having entered into partnership with Deskrenters, Castle Lodge, Tonbridge co-working business accommodation had opened in May 2018 and been a great success in supporting fledgling creative start-ups and freelancers. The Borough Council was now in discussion with Deskrenters about the delivery of a new scheme in the Gibson Building to provide small office accommodation for start-up businesses.

The Leader was also pleased to record that the Council had been able to facilitate two pop up shops in 2018 in partnership with a local business entrepreneur - Tonbridge Create. The pop-ups had helped give creative start-up businesses an opportunity to have a high street presence, as well as deliver children's art workshops and give students from Oakley School invaluable work experience.

The Leader reported that next month the Borough Council would be launching a new grant scheme for local independent retailers to offer funding support towards shopfront improvements. Independent retailers in eligible parts of Tonbridge, West Malling, Borough Green, Snodland, Hadlow, Larkfield, Kings Hill, East Peckham, Aylesford and Wrotham would receive a letter notifying them of the scheme in the next couple of weeks.

C 19/7 REMOVAL OF PROBATIONARY LICENCES FROM HACKNEY CARRIAGE AND PRIVATE HIRE POLICY - CONSULTATION

Item LA 18/109 referred from Licensing and Appeals Committee minutes of 27 November 2018

RESOLVED: That the recommendations at Minute LA 18/109 be approved.

C 19/8 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Item GP 19/3 referred from General Purposes Committee minutes of 28 January 2019

RESOLVED: That the recommendations at Minute GP 19/3 be approved.

C 19/9 LOCALISM ACT PAY POLICY

Item GP 19/4 referred from General Purposes Committee minutes of 28 January 2019

RESOLVED: That the recommendations at Minute GP 19/4 be approved.

C 19/10 RISK MANAGEMENT STRATEGY

Item CB 19/3 referred from Cabinet minutes of 14 February 2019

RESOLVED: That the recommendations at Minute CB 19/3 be approved.

C 19/11 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY

Item CB 19/4 referred from Cabinet minutes of 14 February 2019

RESOLVED: That the recommendations at Minute CB 19/4 be approved.

C 19/12 SETTING THE BUDGET 2019/20

Item CB 19/5 referred from Cabinet minutes of 14 February 2019

It was proposed by Councillor Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 19/5 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr N J Heslop, Cllr D Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr P J Montague, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr C P Smith, Cllr A K Sullivan, Cllr F G Tombolis and Cllr T C Walker

Total 35

Members voting against the motion:

Cllr T Bishop, Cllr T I B Cannon, Cllr Mrs A S Oakley

Total 3

Members abstaining:

None

RESOLVED: That the recommendations at Minute CB 19/5 be approved.

C 19/13 SETTING THE COUNCIL TAX FOR 2019/20

Item CB 19/6 referred from Cabinet minutes of 14 February 2019

It was proposed by Councillor Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 19/6 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr T Bishop, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr N J Heslop, Cllr D Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr C P Smith, Cllr A K Sullivan, Cllr F G Tombolis and Cllr T C Walker

Total 37

Members voting against the motion:

Cllr T I B Cannon

Total 1

Members abstaining:

None

RESOLVED: That the recommendations at Minute CB 19/6 be approved and the Council Tax Resolution 2019/20, as set out as an Annex to these Minutes, be adopted.

C 19/14 BREXIT PREPAREDNESS

Item CB 19/7 referred from Cabinet minutes of 14 February 2019

RESOLVED: That the recommendations at Minute CB 19/7 be approved.

C 19/15 CHERRY ORCHARD/BRAMPTON FIELD, DITTON

Item CB 19/8 referred from Cabinet minutes of 14 February 2019

RESOLVED: That the recommendations at Minute CB 19/8 be approved.

C 19/16 REVENUES AND BENEFITS UPDATE REPORT

Item CB 19/9 referred from Cabinet minutes of 14 February 2019

Supplementary information was circulated updating the position regarding the local scheme for retail discount and providing details of the Local Council Tax Reduction Scheme 2019/20.

RESOLVED: That the recommendations at Minute CB 19/9 be approved.

C 19/17 AMENDMENT TO SCALE OF FEES FOR ELECTION STAFF

Consideration was given to the report of the Chief Executive regarding endorsement of an updated scale of fees for staff working during any elections scheduled or unscheduled in 2019.

RESOLVED: That the updated scale of fees set out at Annex 1 to the report be endorsed.

C 19/18 CHANGES TO CONSTITUTION

The report of the Director of Central Services and Monitoring Officer recommended changes to the Constitution to extend his existing delegation in respect of public rights of way to cover any Council functions relating to village greens. The issue had been highlighted by a current application to register a village green, in respect of which a response to the consultation was required within a timescale that precluded preparation of a report to the Council.

RESOLVED: That the Monitoring Officer be authorised to amend the Constitution to give effect to the changes outlined in the report.

C 19/19 APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to the report of the Director of Central Services regarding the nomination of a person to serve as a Trustee of the Tonbridge United Charity in place of Councillor R Lancaster. Thanks were recorded to Councillor Lancaster for his past service.

RESOLVED: That Councillor V Branson be nominated as a Trustee of the Tonbridge United Charity.

C 19/20 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 8.27 pm

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COUNCIL TAX

DRAFT RESOLUTION

1. It be noted that on 19th February 2019 the Council calculated:
 - (a) the Council Tax Base 2019/20 for the whole Council area as 50,820.61 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")] and,
 - (b) for dwellings in those parts of its area to which one or more special items (Special expenses and or a Parish precept) relates as follows:

Tonbridge	13,774.19
Addington	417.35
Aylesford	4,344.26
Birling	200.87
Borough Green	1,675.76
Burham	449.89
Ditton	1,796.93
East Malling & Larkfield	5,022.68
East Peckham	1,290.12
Hadlow	1,509.52
Hildenborough	2,193.06
Ightham	1,111.90
Kings Hill	4,029.94
Leybourne	1,961.37
Mereworth	436.54
Offham	386.46
Platt	892.91
Plaxtol	595.33
Ryarsh	392.08
Shipbourne	263.98
Snodland	3,720.03
Stansted	265.47
Trottscliffe	269.31
Wateringbury	896.65
West Malling	1,125.37
West Peckham	179.03
Wouldham	699.02
Wrotham	920.59

2. £10,646,917 being the Council Tax requirement for the Council's own purposes for 2019/20 (excluding Parish precepts).

3. That the following amounts be calculated for the year 2019/20 in accordance with Sections 31 to 36 of the Act:

- (a) £91,505,630 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
- (b) £77,935,591 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £13,570,039 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
- (d) £267.02 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year including Parish precepts.
- (e) £3,774,285 being the aggregate amount of all special items (Special expenses and Parish precepts) referred to in Section 34(1) of the Act.
- (f) £192.75 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relate (this is the Council Tax for General Expenses to which Special expenses and Parish precepts are added as applicable).

(g) <u>Part of the Council's area</u>	Band D £
Tonbridge	247.65
Addington	251.97
Aylesford	252.49
Birling	249.03
Borough Green	299.58
Burham	251.85
Ditton	342.90
East Malling & Larkfield	259.43
East Peckham	303.29
Hadlow	270.76
Hildenborough	224.55
Ightham	302.89
Kings Hill	273.90
Leybourne	290.41
Mereworth	267.27
Offham	248.16
Platt	278.12
Plaxtol	263.39
Ryarsh	258.47
Shipbourne	235.23
Snodland	279.37
Stansted	257.77
Trottscliffe	254.02
Wateringbury	304.01
West Malling	302.49
West Peckham	222.91
Wouldham	265.76
Wrotham	297.15

being the amounts given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items (Special expenses and Parish precepts) relate.

(h)

Valuation Bands

<u>Part of the Council's area</u>	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Tonbridge	165.10	192.62	220.13	247.65	302.68	357.72	412.75	495.30
Addington	167.98	195.98	223.97	251.97	307.96	363.96	419.95	503.94
Aylesford	168.33	196.38	224.44	252.49	308.60	364.71	420.82	504.98
Birling	166.02	193.69	221.36	249.03	304.37	359.71	415.05	498.06
Borough Green	199.72	233.01	266.29	299.58	366.15	432.73	499.30	599.16
Burham	167.90	195.88	223.87	251.85	307.82	363.78	419.75	503.70
Ditton	228.60	266.70	304.80	342.90	419.10	495.30	571.50	685.80
East Malling & Larkfield	172.95	201.78	230.60	259.43	317.08	374.73	432.38	518.86
East Peckham	202.19	235.89	269.59	303.29	370.69	438.09	505.48	606.58
Hadlow	180.51	210.59	240.68	270.76	330.93	391.10	451.27	541.52
Hildenborough	149.70	174.65	199.60	224.55	274.45	324.35	374.25	449.10
Ightham	201.93	235.58	269.24	302.89	370.20	437.51	504.82	605.78
Kings Hill	182.60	213.03	243.47	273.90	334.77	395.63	456.50	547.80
Leybourne	193.61	225.87	258.14	290.41	354.95	419.48	484.02	580.82
Mereworth	178.18	207.88	237.57	267.27	326.66	386.06	445.45	534.54
Offham	165.44	193.01	220.59	248.16	303.31	358.45	413.60	496.32
Platt	185.41	216.32	247.22	278.12	339.92	401.73	463.53	556.24
Plaxtol	175.59	204.86	234.12	263.39	321.92	380.45	438.98	526.78
Ryarsh	172.31	201.03	229.75	258.47	315.91	373.35	430.78	516.94
Shipbourne	156.82	182.96	209.09	235.23	287.50	339.78	392.05	470.46
Snodland	186.25	217.29	248.33	279.37	341.45	403.53	465.62	558.74
Stansted	171.85	200.49	229.13	257.77	315.05	372.33	429.62	515.54
Trottscliffe	169.35	197.57	225.80	254.02	310.47	366.92	423.37	508.04
Wateringbury	202.67	236.45	270.23	304.01	371.57	439.13	506.68	608.02
West Malling	201.66	235.27	268.88	302.49	369.71	436.93	504.15	604.98
West Peckham	148.61	173.37	198.14	222.91	272.45	321.98	371.52	445.82
Wouldham	177.17	206.70	236.23	265.76	324.82	383.88	442.93	531.52
Wrotham	198.10	231.12	264.13	297.15	363.18	429.22	495.25	594.30

being the amounts given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted that for the year 2019/20 The Police & Crime Commissioner for Kent, the Kent & Medway Fire & Rescue Authority and the Kent County Council have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

<u>Precepting Authority</u>	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
The Police & Crime Commissioner for Kent	128.77	150.23	171.69	193.15	236.07	278.99	321.92	386.30
Kent & Medway Fire & Rescue Authority	51.84	60.48	69.12	77.76	95.04	112.32	129.60	155.52
Kent County Council	866.28	1,010.66	1,155.04	1,299.42	1,588.18	1,876.94	2,165.70	2,598.84

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4. above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2019/20, for each of the categories of dwellings shown below:

<u>Part of the Council's area</u>	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
Tonbridge	1,211.99	1,413.99	1,615.98	1,817.98	2,221.97	2,625.97	3,029.97	3,635.96
Addington	1,214.87	1,417.35	1,619.82	1,822.30	2,227.25	2,632.21	3,037.17	3,644.60
Aylesford	1,215.22	1,417.75	1,620.29	1,822.82	2,227.89	2,632.96	3,038.04	3,645.64
Birling	1,212.91	1,415.06	1,617.21	1,819.36	2,223.66	2,627.96	3,032.27	3,638.72
Borough Green	1,246.61	1,454.38	1,662.14	1,869.91	2,285.44	2,700.98	3,116.52	3,739.82
Burham	1,214.79	1,417.25	1,619.72	1,822.18	2,227.11	2,632.03	3,036.97	3,644.36
Ditton	1,275.49	1,488.07	1,700.65	1,913.23	2,338.39	2,763.55	3,188.72	3,826.46
East Malling & Larkfield	1,219.84	1,423.15	1,626.45	1,829.76	2,236.37	2,642.98	3,049.60	3,659.52
East Peckham	1,249.08	1,457.26	1,665.44	1,873.62	2,289.98	2,706.34	3,122.70	3,747.24
Hadlow	1,227.40	1,431.96	1,636.53	1,841.09	2,250.22	2,659.35	3,068.49	3,682.18
Hildenborough	1,196.59	1,396.02	1,595.45	1,794.88	2,193.74	2,592.60	2,991.47	3,589.76
Ightham	1,248.82	1,456.95	1,665.09	1,873.22	2,289.49	2,705.76	3,122.04	3,746.44
Kings Hill	1,229.49	1,434.40	1,639.32	1,844.23	2,254.06	2,663.88	3,073.72	3,688.46
Leybourne	1,240.50	1,447.24	1,653.99	1,860.74	2,274.24	2,687.73	3,101.24	3,721.48
Mereworth	1,225.07	1,429.25	1,633.42	1,837.60	2,245.95	2,654.31	3,062.67	3,675.20
Offham	1,212.33	1,414.38	1,616.44	1,818.49	2,222.60	2,626.70	3,030.82	3,636.98
Platt	1,232.30	1,437.69	1,643.07	1,848.45	2,259.21	2,669.98	3,080.75	3,696.90
Plaxtol	1,222.48	1,426.23	1,629.97	1,833.72	2,241.21	2,648.70	3,056.20	3,667.44
Ryarsh	1,219.20	1,422.40	1,625.60	1,828.80	2,235.20	2,641.60	3,048.00	3,657.60
Shipbourne	1,203.71	1,404.33	1,604.94	1,805.56	2,206.79	2,608.03	3,009.27	3,611.12
Snodland	1,233.14	1,438.66	1,644.18	1,849.70	2,260.74	2,671.78	3,082.84	3,699.40
Stansted	1,218.74	1,421.86	1,624.98	1,828.10	2,234.34	2,640.58	3,046.84	3,656.20
Trottscliffe	1,216.24	1,418.94	1,621.65	1,824.35	2,229.76	2,635.17	3,040.59	3,648.70
Wateringbury	1,249.56	1,457.82	1,666.08	1,874.34	2,290.86	2,707.38	3,123.90	3,748.68
West Malling	1,248.55	1,456.64	1,664.73	1,872.82	2,289.00	2,705.18	3,121.37	3,745.64
West Peckham	1,195.50	1,394.74	1,593.99	1,793.24	2,191.74	2,590.23	2,988.74	3,586.48
Wouldham	1,224.06	1,428.07	1,632.08	1,836.09	2,244.11	2,652.13	3,060.15	3,672.18
Wrotham	1,244.99	1,452.49	1,659.98	1,867.48	2,282.47	2,697.47	3,112.47	3,734.96

Mayor's Announcements

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TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

09 April 2019

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters For Decision

1 PLANNING APPLICATION TM/18/00357/OA – THE NURSERY, TAYLORS LANE, TROTTISCLIFFE

Summary

Outline planning permission is sought for the replacement of an existing (and lawful) static mobile home with a detached dwelling as permanent accommodation for an agricultural worker associated with the plant nursery. The application was reported to the Area 2 Planning Committee at the request of Councillor Ann Kemp on 26 September 2018 and 07 November 2018 (on the latter occasion accompanied by a Part 2 report from the Director of Central Services and Monitoring Officer. Members of the Area 2 Planning Committee resolved not to accept the recommendation that planning permission be granted (although no formal proposition to refuse planning permission was made). As such, in accordance with the Constitution, this application is being reported to Council for a decision.

1.1 Introduction

1.1.1 The reports to APC2 of 26 September and 07 November, including the Part 2 report, are attached in full and set out in detail the reasoning behind and recommendation of the Director of Planning, Housing and Environmental Health.

1.1.2 For the purposes of taking this decision, the Constitution provides that the same rules apply both to applications determined by an Area Planning Committee and where the matter is referred to full Council. Rule 16.1 of the Council and Committee Procedure Rules (Constitution: Part 4, p29) provides that the public speaking rules apply to planning applications being considered by the Council when it has 'resolved itself into a committee of the full council'. As such, the procedure rules relating to Planning Committees are to be applied in this instance.

1.2 Legal Implications

1.2.1 Prior to determining this application, Members are requested to note the advice contained within the Part 2 report to members of Area 2 Planning Committee dated 07 November 2018.

(a) Determination of Planning Applications

- 1.2.2 Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise (see s.70 (2) Town & Country Planning Act 1990 and s.38 (6) Planning and Compulsory Purchase Act 2004). For TMBC, the development plan is currently the Local Development Framework adopted in 2007. The National Planning Policy Framework (“NPPF”) and Planning Practice Guidance (“PPG”) are important material considerations.
- 1.2.3 Paragraph 11(c) of the NPPF requires that planning authorities approve development proposals which accord with the development plan “without delay”.

1.3 Financial and Value for Money Considerations

- 1.3.1 An award of costs against the Council by the Planning Inspectorate would be for the expense incurred by the Applicant in lodging and pursuing a planning appeal. The applicant has already engaged professional planning agents and these would likely take such an appeal forward. Legal representation may also be instructed to assist in preparing and making their appeal case.
- 1.3.2 There would in addition be further costs to the Council in terms of its own officer time and resourcing up to and including the appearance at any appeal hearing or inquiry.

1.4 Risk Assessment

- 1.4.1 The risk of an award of costs by the Planning Inspectorate presents a reputational risk because it would indicate that the Inspectorate considered the Council had behaved in an unreasonable manner.

1.5 Equality Impact Assessment

- 1.5.1 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.

1.6 Recommendation

- 1.6.1 **Grant planning permission** subject to the following conditions:

Conditions:

- 1 Approval of details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.
- Reason: No such approval has been given.
- 2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years

from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 3 The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed in the associated Nursery business or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site of the dwelling is outside any area in which development would normally be permitted if it were not required for occupation by a person employed on the site for agricultural/horticultural purposes.

- 4 The existing mobile home shall be removed from the site prior to first occupation of the dwelling or completion of the development hereby approved, whichever is the earlier.

Reason: The retention of the mobile home on the site is likely to cause harm to the openness of the Green Belt and visual amenity of the rural locality.

- 5 No development above ground level shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the area or the visual amenity of the locality.

- 6 No development shall take place until a plan showing the proposed finished floor, eaves and ridge levels of the dwelling in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no development shall be carried out within Class A, B, D or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 8 The area shown on the submitted layout as vehicle parking space shall be provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending,

revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 9 No external lighting shall be installed on the site, except in accordance with a scheme of external lighting that has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard neighbouring residential amenity and the visual amenity of the locality.

- 10 Foul water shall be disposed of directly to the mains sewer, unless agreed in writing by the Local Planning Authority for any variation.

Reason: To prevent pollution of groundwater.

Informatives:

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public or Bank Holidays.
- 3 The applicant should be aware that the disposal of demolition waste by incineration or use of bonfires on the site can lead to justified complaints from local residents and would be contrary to Waste Management Legislation.

Background papers:

contact: Emma Keefe

Reports to the Area 2 Planning Committee of the Director of Planning, Housing and Environmental Health and the Director of Central Services and Monitoring Officer

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

Trottiscliffe
Downs And Mereworth

11 July 2018

TM/18/00357/OA

Proposal: Outline Application: Erection of a detached dwelling for an agricultural worker relating to the nursery business to replace the mobile home, with landscaping reserved

Location: The Nursery Taylors Lane Trottiscliffe West Malling Kent

Go to: [Recommendation](#)

1. Description:

1.1 Determination of this application was deferred on 26 September 2018 to allow for legal services to provide the committee with a report setting out the risks involved with refusing outline planning permission on grounds of impact to the Green Belt and matters of viability.

1.2 This is in line with the Council's Constitution which sets out as follows:

Where a Committee rejects a recommendation to approve, or is minded to refuse, an application which is recommended for approval by the Director of Planning, Housing and Environmental Health on grounds which the Director does not consider can be substantiated at appeal, the matter shall be deferred to the next meeting of the Committee to enable the Director of Central Services & Monitoring Officer to submit an independent report to the Committee on the possibility of costs being awarded against the Council. If the Director of Central Services & Monitoring Officer's report indicates that there is likely to be a significant risk of costs being awarded against the Borough Council and the Committee resolves to refuse the application that decision will be a recommendation only and the matter shall be submitted to Council for resolution.

1.3 Copies of the previous officer's report and supplementary report from the 26 September meeting are annexed for ease of information.

1.4 Since the deferral, the agent for the applicant has sought to provide additional supporting information which sets out a summary of similar cases which have been considered by the Council and approved.

2. Consultees (since 26 September):

2.1 None

3. Determining Issues:

3.1 The key matter for consideration in respect of the requisite Green Belt assessment is discussed at paragraph 6.12 of the officer's previous report. To embellish on this and for the avoidance of any doubt, the Planning Committee is required to make an assessment solely on the development that is proposed through this current

planning application, not on matters that have been for determination previously although the development that is currently in situ forms the context for making that assessment.

3.2 In essence, previous planning decisions have been connected to the residential use and occupation of the site in relation to the business use. The residential use has been accepted on a permanent basis and is facilitated by the siting of a static mobile home in the approved location. The mobile home is not, for the purposes of planning, considered to be a *building*.

3.3 What is now proposed, and falls to be determined, is the removal of that mobile home and the construction of a new building (dwelling) on the site, still in connection with the same agricultural operation. The principle surrounding this residential use has been established and cannot be considered any further within the context of this application. The main issue for consideration is whether the new building is acceptable in planning terms.

3.4 In this respect, the NPPF sets out that the construction of new buildings within the Green Belt is inappropriate development unless specific exceptions apply. Paragraphs 145 and 146 set out the relevant exceptions. In this case, the necessary test to be applied is set out in paragraph 145 (g) of the NPPF which states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are (inter alia):

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

3.5 This part of the application site falls within the definition of previously developed land for the purposes of applying paragraph 145 (g). The only matter for consideration is therefore whether the new building has a greater impact on openness than the existing development (the residential use facilitated by the mobile home).

3.6 However frustrating it might be to witness a series of events whereby in relatively quick succession the applicant here has sought to establish a lawful, permanent residential occupation of the site and the resultant categorisation of the land for planning purposes as previously developed, this is a legitimate route and this is the correct test to be applied.

- 3.7 It is on this basis that I return to paragraph 6.12 of the officer's report in respect of the impact on the openness of the Green Belt. It is concluded that there would not be any substantial additional harm to openness. This is a matter of planning judgement but in making such a judgement, Members must be mindful of a recent High Court judgement which found that a greater impact on openness must involve something more than a mere change of environment (*Euro Garages Limited v Secretary of State for Communities and Local Government (CO/145/2018)*).
- 3.8 The exceptions set out paragraph 145(g) therefore applies and there is no need to establish whether any very special circumstances exist.
- 3.9 Turning to matters pertaining to the viability of the business, the salient issues centre on the fact that the new dwelling would still be tied to the continuation of the business use by virtue of the recommended planning conditions. The conclusions drawn in connection with the Green Belt considerations mean that there is no ability to further consider matters of viability. In effect, Members do not need to find or additional very special circumstances. In any event, as mentioned above, the success of the business use is not parasitic on the size of the dwelling the applicant can reasonably expect to inhabit. Moreover, the only test to be applied is whether there is a greater amount of harm arising to prevailing levels of openness.
- 3.10 With the above considerations in mind, the following recommendation is reiterated.

4. Recommendation:

- 5. Grant outline planning permission** in accordance with the following submitted details: Site Layout 1786/19 A dated 10.07.2018, Proposed Floor Plans 1129/2 A dated 10.07.2018, Proposed Floor Plans 1129/3 A dated 10.07.2018, Proposed Elevations 1129/1 B dated 10.07.2018, Other Amended Application Form dated 11.07.2018, Location Plan 1786/1 A dated 13.02.2018, Site Layout 1786/18A Rev 04/11 dated 13.02.2018, Other Kernon Countryside Supplementary Info dated 13.02.2018, and subject to the following conditions:

Conditions:

- 1 Approval of details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

- 2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 3 The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed in the associated Nursery business or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site of the dwelling is outside any area in which development would normally be permitted if it were not required for occupation by a person employed on the site for agricultural/horticultural purposes.

- 4 The existing mobile home shall be removed from the site prior to first occupation of the dwelling or completion of the development hereby approved, whichever is the earlier.

Reason: The retention of the mobile home on the site is likely to cause harm to the openness of the Green Belt and visual amenity of the rural locality.

- 5 No development above ground level shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the area or the visual amenity of the locality.

- 6 No development shall take place until a plan showing the proposed finished floor, eaves and ridge levels of the dwelling in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no development shall be carried out within Class A, B, D or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 8 The area shown on the submitted layout as vehicle parking space shall be provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 9 No external lighting shall be installed on the site, except in accordance with a scheme of external lighting that has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard neighbouring residential amenity and the visual amenity of the locality.

- 10 Foul water shall be disposed of directly to the mains sewer, unless agreed in writing by the Local Planning Authority for any variation.

Reason: To prevent pollution of groundwater.

Informatives:

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public or Bank Holidays.
- 3 The applicant should be aware that the disposal of demolition waste by incineration or use of bonfires on the site can lead to justified complaints from local residents and would be contrary to Waste Management Legislation.

Contact: Mark Fewster

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Report from 26 September 2018

Trottscliffe
Downs And Mereworth

11 July 2018

TM/18/00357/OA

Proposal: Outline Application: Erection of a detached dwelling for an agricultural worker relating to the nursery business to replace the mobile home, with landscaping reserved

Location: The Nursery Taylors Lane Trottscliffe West Malling Kent

Go to: [Recommendation](#)

1. Description:

- 1.1 Members may recall that the APC2 resolved to grant planning permission on 8 November 2017 for permanent retention of a mobile home for an agricultural worker relating to the nursery business on the site under reference TM/16/01753/FL. This followed from a 3-year temporary permission for the same development granted at planning appeal under reference TM/12/00379/FL. The principle of an essential need for a permanent residential presence on the site has therefore been established.
- 1.2 The current application proposes to replace the static mobile home with a detached dwelling as permanent accommodation for an agricultural worker associated with the plant nursery. The application is for outline planning permission. Amendments were received on the 10 July 2018 providing more specific details of the dwelling proposed and now all matters have been submitted for approval except for landscaping which has been reserved. Due to the nature of the amendments received, the application was re-notified to neighbours and the Parish Council for a further two week period and a further site notice was placed near the site.
- 1.3 The new dwelling will be sited in a similar position on the site as the mobile home and will measure 15m wide x 6.6m deep, with an eaves height of 2.9m and ridge height of 6.6m. It is of a barn-style design with a dual pitched roof with quarter hips, with a half hipped gable entrance element. The floor plan layouts comprise a kitchen/dining room, lounge, entrance hall and 1 bedroom (with ensuite) at ground floor and 2 bedrooms with a bathroom at first floor within the roof space. The external materials comprise dark stained weatherboarding, grey slate roof and brown windows.
- 1.4 The layout of the site is the same as that approved under TM/16/01753/FL except for the depth of residential curtilage which is now shown to be 18m deep instead of 14.5m (3.5m increase).
- 1.5 The report to APC2 for the previous application under reference TM/16/01753/FL is provided as an annex to this report.

2. Reason for reporting to Committee:

2.1 At the request of Councillor Kemp due to the history of the site.

3. The Site:

- 3.1 The application site comprises a rectangular parcel of land located on the west side of Taylors Lane, adjacent to the settlement confines of Trottiscliffe. It is fully enclosed by a brown stained close-boarded fence set just inside established hedgerows which align the boundaries of the site. The vehicular access to the site is on Taylors Lane within the northern section of the frontage. Gates are provided well back from the frontage.
- 3.2 The northern part of the site comprises two polytunnels, with black sheeting covering the land around them with arrangements of potted plants. A timber clad agricultural building comprising a workshop/potting shed with office facilities is situated within the centre of the site. The driveway and area around the potting shed is surfaced in bonded gravel. A static mobile home is positioned to the west of the agricultural building with an associated domestic garden area. Two dog kennels and pens lie just to the south of the potting shed and static mobile home.
- 3.3 The site is situated within the Green Belt, countryside and the Kent Downs AONB. A groundwater source protection zone covers the southern part of the site. The Trottiscliffe Conservation Area lies to the southeast. Taylors Lane is a Classified Road.
- 3.4 Agricultural land lies to the north and west. A vacant parcel of land lies to the south between the application site and Millers Farm. The residential properties of Little Berries, The Cottage and 1-6 Taylors Lane are situated to the east.

4. Planning History (relevant):

TM/10/00473/FL	Approved	15 June 2010
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Replacement Agricultural Building comprising a workshop and office facilities; replacement of glasshouse with two polytunnels; parking and revised access

TM/10/02411/RD	Approved	27 October 2010
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Details submitted pursuant to condition 8 (lighting); 10 (a) & (b) (site investigation) and 11 (sewerage) of planning permission TM/10/00473/FL: Replacement agricultural building comprising a workshop and office facilities; replacement of glasshouse with two polytunnels; parking and revised access

TM/11/00658/FL	Refuse	7 June 2011
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Retrospective application for the retention of a residential caravan ancillary to the Nursery Business and retention of 2 No. dog kennels and pens

TM/12/00379/FL	Refuse	9 July 2012
	Allowed on appeal	9 April 2013

Retrospective application for the retention of a static mobile home as temporary accommodation for an agricultural worker ancillary to a nursery business and retention of 2no. dog kennels and pens

TM/16/01753/FL	Approved	15 November 2017
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Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2no. dog kennels and pens

TM/17/03396/RD	Approved	24 January 2018
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Details of conditions 7 (site investigation), 8 (remediation) and 9 (verification report) submitted pursuant to planning permission TM/16/01753/FL (Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2no. dog kennels and pens)

5. Consultees:

5.1 PC: Objection. The concerns raised are summarised as follows:

- The size of the dwelling is not suitable for the small nursery business
- There is not a viable business operating on the site.
- No very special circumstances to justify a case to replace a mobile home in the Green Belt on the edge of the village envelope
- How is the land to be reinstated if the nursery use ceases.

5.2 Private Reps: neighbour letters + site notice + press notice 1/0X/1R/0S. The concerns raised have been summarised below:

- There is no recourse to remove a permanent building compared to a mobile home
- The size of the dwelling does not reflect the size of the site and business

6. Determining Issues:

6.1 The main issues are whether the size, scale and appearance of the new dwelling would result in any additional harm to the openness of the Green Belt, and any other harm from the proposal, that would outweigh the very special circumstances already established in respect to essential need for a residential presence on the site. The effect of the new dwelling on the character of the area and visual amenity of the locality will also be considered. The scheme also needs to be assessed in light of the newly introduced Revised NPPF.

Principle considerations:

- 6.2 The report to the committee under planning reference TM/16/01753/FL on 8 November 2017 provided a robust analysis that concluded there was an essential need for the plant nursery business to have a worker living on the site permanently to provide appropriate care and monitoring of the plant stock. This position was supported by Kernon Countryside Consultants Ltd (a specialist agricultural, equine and rural planning consultancy) who provided supplementary information on behalf of the applicant, the Council's retained specialist rural consultant (Richard Lloyd Hughes), and by Dominic Hall, who is a reputable horticultural adviser commissioned by the Council.
- 6.3 This current application was submitted on 13 February 2018, which is only 3 months after the previous application was determined, and after inspecting the site recently it is not considered that the activities on the site vary in any noticeable way to that at the time of the last application.
- 6.4 Therefore, the view remains that there is an essential need for a rural worker to live permanently at the site and that this remains consistent with paragraph 79 of the revised NPPF (previously paragraph 55). It is important to note that this policy relates to new homes in the countryside and therefore there is no distinction as to whether this is a mobile home or a new dwelling. As such, a new dwelling to replace the previously approved permanent stationing of a mobile home would be acceptable.
- 6.5 As with the recent extant permission, it would be necessary to restrict the occupation of the dwelling to a person who is a rural worker (and their family) relating to the nursery business on the site (or to a person employed in agriculture or forestry in the locality).
- 6.6 Although the extant permission requires the mobile home to be removed and residential use to cease in the event that the nursery no longer has an essential requirement for permanent on-site presence, there is no policy preventing a permanent building being erected to house a rural worker where there is an essential need.
- 6.7 In relation to concerns from the Parish Council and a local neighbour, in the event that the nursery business ceased to operate in the future, the conditions any planning permission granted would continue to apply.

Green Belt considerations:

- 6.8 The application site is in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 13 of the NPPF).

- 6.9 Paragraph 143 of the NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- 6.10 Paragraph 144 follows stating that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 6.11 The Planning Inspector in granting the temporary planning permission in 2013 advised that if an essential need for a rural worker were to be established then very special circumstances would exist that would outweigh the harm of the development’s inappropriateness in the Green Belt.
- 6.12 It is noted that this related to a mobile home being situation on the site and not a new dwelling. However, the new dwelling would not be substantial in its size and scale and, although it would be larger than the mobile home for which it replaces, would be adequately commensurate to the scale of the nursery business and the smaller workshop buildings on the site. The dwelling would, therefore, not result in any substantial additional harm to openness that would weigh against the development in terms of the very special circumstances that have previously been shown exist.

Character and Visual Amenity/Setting of Conservation Area:

- 6.13 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.
- 6.14 Paragraph 127 of the NPPF also seeks to ensure that development will function well and add to the quality of the area, be sympathetic to local character, establish or maintain a strong sense of place and create attractive and safe places in which to live, work and visit.
- 6.15 Section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the CA.
- 6.16 The proposed dwelling to replace the mobile home is considered to be of a size and scale that is appropriately commensurate with the size and functional requirement of the business and would not appear unusually large in the context of the other buildings on the site (workshop and shed). The building is of a barn-like design with dark stained horizontal weatherboarding and slate roof tiles which would complement the existing workshop and shed. It would also be well

separated from the Conservation Area that lies adjacent to the site to the east. The dwelling would also not be readily visible from public vantage points in light of its size and scale and the hedged boundaries.

- 6.17 The proposal would therefore not harm the appearance or character of the site or its setting with the adjacent Conservation Area and therefore accords with Policies CP24 of the TMBCS and SQ1 of the MDE DPD and with Section 12 (Achieving well-designed places). Regard has also been had to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.18 The site is within an AONB where paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs (as well as National Parks and the Broads) which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited. In this case, I do not consider the size, scale and appearance of the proposed dwelling would adversely affecting the natural beauty of the AONB.

Technical considerations:

- 6.19 In respect to land contamination, trial pit data was submitted as part of an investigation of the land under application TM/17/03396/RD. It was considered that only Trial Pit 8 was relevant to the garden area approved and that this showed there was no made ground in that area and therefore no further investigation was required. It is noted that the garden area proposed has been enlarged slightly (3.5m to the west); however this would not alter the conclusion made under TM/17/03396/RD. The development therefore accords with paragraph 178 of the NPPF.
- 6.20 Foul water is to be connected to the mains sewer which runs along Taylors Lane. A condition can be added to confirm this requirement.

Planning balance and conclusions:

- 6.21 It is considered that there remains an essential need for a worker to live permanently on the site to operate the nursery business and, although the new dwelling to replace the permanent static mobile home would result in a physical change to the residential unit on the site and some level of additional harm on openness, this would not be significant. It is also concluded that the size, scale, design and appearance of the dwelling is commensurate to the nursery business on the site and would not harm the character of the site or the setting with the Conservation Area. As a consequence, very special circumstances exist in this case.
- 6.22 Accordingly, it is recommended that permission be granted for a new dwelling to replace the existing permanent mobile home on the site for the purposes of

accommodation for an agricultural worker relating to the nursery business, subject to conditions.

7. Recommendation:

7.1 Grant planning permission in accordance with the following submitted details:

This was approved in accordance with the following submitted details: Site Layout 1786/19 A dated 10.07.2018, Proposed Floor Plans 1129/2 A dated 10.07.2018, Proposed Floor Plans 1129/3 A dated 10.07.2018, Proposed Elevations 1129/1 B dated 10.07.2018, Other Amended Application Form dated 11.07.2018, Location Plan 1786/1 A dated 13.02.2018, Site Layout 1786/18A Rev 04/11 dated 13.02.2018, Other Kernon Countryside Supplementary Info dated 13.02.2018,

Conditions / Reasons

- 1 Approval of details of the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 3 No development above ground level shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the area or the visual amenity of the locality.

- 4 No development above ground level shall take place until a plan showing the proposed finished floor, eaves and ridge levels of the dwelling in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-

enacting that Order), no development shall be carried out within Class A, B, D or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 6 The area shown on the submitted layout as vehicle parking space shall be provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 7 The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed in the associated Nursery business or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site of the dwelling is outside any area in which development would normally be permitted if it were not required for occupation by a person employed locally in agriculture.

- 8 No external lighting shall be installed on the site, except in accordance with a scheme of external lighting that has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard neighbouring residential amenity and the visual amenity of the locality.

- 9 Foul water shall be disposed of directly to the mains sewer, unless agreed in writing by the Local Planning Authority for any variation.

Reason: To prevent pollution of groundwater.

Informatives

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On

Saturday 08:00 to 13:00 hours, with no work on Sundays or Public or Bank Holidays.

- 3 The applicant should be aware that the disposal of demolition waste by incineration or use of bonfires on the site can lead to justified complaints from local residents and would be contrary to Waste Management Legislation.

Contact: Mark Fewster

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 26 September 2018

Trottiscliffe TM/18/00357/OA
Downs And Mereworth

Outline Application: Erection of a detached dwelling for an agricultural worker relating to the nursery business to replace the mobile home, with landscaping reserved at The Nursery Taylors Lane Trottiscliffe

Paragraph 7.1: Specific reference should be made to the fact that outline planning permission is sought through this application for the avoidance of any doubt.

DPHEH: Since publication of the main report, officers have taken the opportunity to revisit the conditions recommended. As a result, a further condition is recommended along with several amendments and additions. To summarise:

Conditions 1 and 2 have been amended to clarify the requirement for approval of the reserved matter of landscaping to be obtained and the time within which development must commence.

Condition 3 is now the occupancy condition tied to the nursery use. The reason for this condition has been revised slightly.

Condition 4 has been added to ensure that the existing mobile home will be removed from the site on first occupation of the new dwelling or completion of the development, whichever is the earlier.

The remaining conditions are unchanged, however, for completeness and in the avoidance of any doubt, the conditions have been reproduced in their final format below for Members consideration.

AMENDED RECOMMENDATION

Paragraph 7.1: Grant Outline Planning Permission in accordance with the following submitted details: Site Layout 1786/19 A dated 10.07.2018, Proposed Floor Plans 1129/2 A dated 10.07.2018, Proposed Floor Plans 1129/3 A dated 10.07.2018, Proposed Elevations 1129/1 B dated 10.07.2018, Other Amended Application Form dated 11.07.2018, Location Plan 1786/1 A dated 13.02.2018, Site Layout 1786/18A Rev 04/11 dated 13.02.2018, Other Kernon Countryside Supplementary Info dated 13.02.2018, and subject to the following conditions:

- 1 Approval of details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.**

Reason: No such approval has been given.

- 2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 3 The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed in the associated Nursery business or a dependant of such a person residing with him or her, or a widow or widower of such a person.**

Reason: The site of the dwelling is outside any area in which development would normally be permitted if it were not required for occupation by a person employed on the site for agricultural/horticultural purposes.

- 4 The existing mobile home shall be removed from the site prior to first occupation of the dwelling or completion of the development hereby approved, whichever is the earlier.**

Reason: The retention of the mobile home on the site is likely to cause harm to the openness of the Green Belt and visual amenity of the rural locality.

- 5 No development above ground level shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.**

Reason: To ensure that the development does not harm the character and appearance of the area or the visual amenity of the locality.

- 6 No development shall take place until a plan showing the proposed finished floor, eaves and ridge levels of the dwelling in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.**

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no development shall be carried out within Class A, B, D or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.**

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 8 The area shown on the submitted layout as vehicle parking space shall be provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.**

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 9 No external lighting shall be installed on the site, except in accordance with a scheme of external lighting that has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.**

Reason: To safeguard neighbouring residential amenity and the visual amenity of the locality.

- 10 Foul water shall be disposed of directly to the mains sewer, unless agreed in writing by the Local Planning Authority for any variation.**

Reason: To prevent pollution of groundwater.

Informatives:

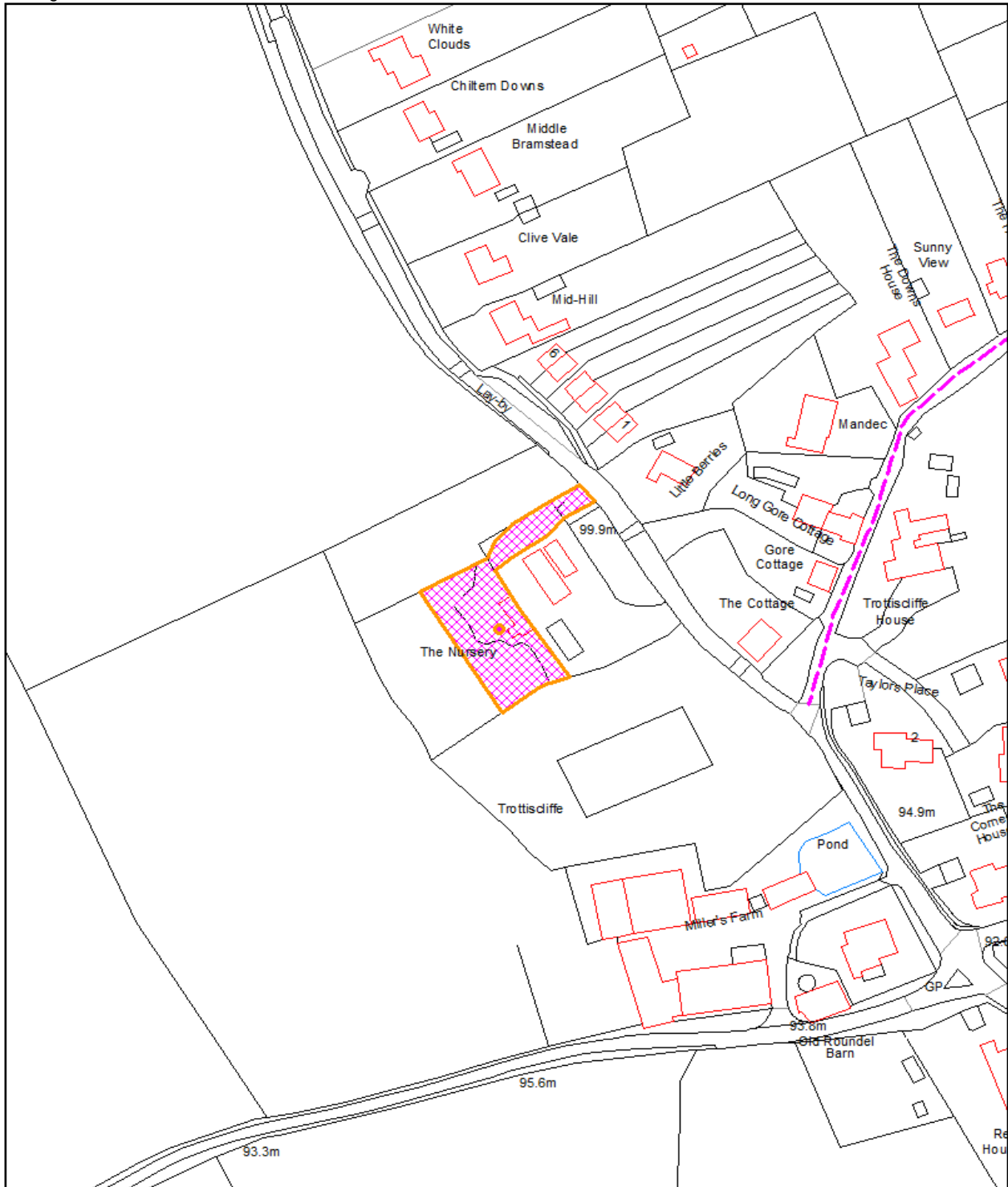
- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.**
- 2 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public or Bank Holidays.**
- 3 The applicant should be aware that the disposal of demolition waste by incineration or use of bonfires on the site can lead to justified complaints from local residents and would be contrary to Waste Management Legislation.**

TM/18/00357/OA

The Nursery Taylors Lane Trottscliffe West Malling Kent

Outline Application: Erection of a detached dwelling for an agricultural worker relating to the nursery business to replace the mobile home, with landscaping reserved

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Agenda Item 6

Questions from the public pursuant to Council Procedure Rule No 5.6

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Agenda Item 7

Questions from Members pursuant to Council Procedure Rule No 5.5

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Leader's Announcements

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Agenda Item 9

Meeting	Page Nos in Minute Book	Recommendations to Council
19 February: Council - Minute Numbers: C 19/1 – 20 - Annex: Council Tax Resolution	3 – 16	
21 February: Area 1 Planning Committee - Minute Numbers: AP1 19/8 – 15	17 – 20	
27 February: Area 2 Planning Committee - Minute Numbers: AP2 19/8 – 13	21 – 24	
12 March: Licensing and Appeals Committee - Minute Numbers: LA 19/12 – 17	25 – 26	LA 19/15
14 March: Overview and Scrutiny Committee - Minute Numbers: OS 19/8 – 11	27 – 28	
19 March: Cabinet - Minute Numbers: CB 19/28 – 38	29 – 32	CB 19/30
Cabinet Decision Notices - D190018MEM – D190019MEM - D190020MEM – D190027MEM - D190028MEM – D190030MEM - D190031MEM - D190032CAB – D190033CAB	33 – 54	
22 March: Licensing and Appeals Panels (2) - Minute Numbers: LA 19/18 –		To follow
1 April: Audit Committee - Minute Numbers: AU 19/14 –		To follow
4 April: Area 1 Planning Committee - Minute Numbers: AP1 19/16 –		To follow

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Item LA 19/15 referred from Licensing and Appeals Committee minutes of 12 March 2019

LA 19/15 STATEMENT OF LICENSING POLICY 2019 - 2024 CONSULTATION

Further to Minute LA 19/4, the report of the Director of Central Services and Monitoring Officer indicated that the Statement of Licensing Policy 2019 – 2024 had been issued for public consultation from 25 January to 1 March 2019 as a result of which no responses had been received. A copy of the proposed Statement of Licensing Policy was annexed to the report.

RECOMMENDED: That the draft Statement of Licensing Policy set out at Annex 1 to the report be adopted by the Council.

***Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

12 March 2019

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Delegated

1 STATEMENT OF LICENSING POLICY 2019 - 2024 CONSULTATION

1.1 Introduction

- 1.1.1 Tonbridge and Malling Borough Council is the Licensing Authority under the Licensing Act 2003. The Licensing Authority is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences within the Authority's area in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.1.2 Section 5 of the Licensing Act 2003 requires the Licensing Authority to prepare and publish a Statement of Licensing Policy every five years from January 2014. This is the Licensing Authority's forth statement of licensing policy. It will remain in force for a period of five years from 2019 - 2024. During the five year period, the policy must be kept under review and the Licensing Authority may make such revisions to it as it considers appropriate.
- 1.1.3 Tonbridge and Malling Borough Council currently has 386 premises made up of 356 premises licenses and 30 club premises certificates.
- 1.1.4 This Policy Statement seeks to formulate reasonable controls and appropriate guidance to encourage efforts that are being made by the Council and its partners working together with the licensed trade to help deal with issues that arise from licensable activities.
- 1.1.5 On the 24 January 2019 the Licensing and Appeals Committee made a decision to go out on consultation for the Statement of Licensing Policy. The consultation period ran from the 25 January 2019 until 1 March 2019.
- 1.1.6 A copy of the proposed Statement of Licensing Policy is shown at **Annex 1**
- 1.1.7 As a result of the Consultation there were no responses received.

1.2 Consultation

1.2.1 The following process steps enabled development of this policy

Draft consultation agreed at the Licensing Committee	24 January 2019
Public Consultation	25 January 2019 until 1 March 2019
Licensing Committee agrees the policy and recommends to Full Council for adoption	12 March 2019
Full Council adopt policy	9 April 2019
New Policy comes into force	15 April 2019

1.2.2 Subject to the Licensing & Appeals Committee agreeing the format and content of the Statement of Licensing Policy it will be recommended to Full Council for adoption.

1.3 Legal Implications

1.3.1 The Statement of Licensing Policy has been prepared in accordance with Section 5 of the Licensing Act 2003 and having regard to the Guidance issued under Section 182 of the Act (as revised).

1.4 Financial and Value for Money Considerations

1.4.1 The Licensing Income budget for 2017 – 2018 is £320,400

1.5 Risk Assessment

1.5.1 Should parts of the Industry believe the authority's 'statement of licensing policy' is not sound it would be open to them to undertake judicial review proceedings.

1.6 Equality Impact Assessment

1.6.1 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 That the draft Statement of Licensing Policy be approved.

Background papers:

Licensing Act 2003

Home Office web site

Guidance issued under section 182 of the Licensing Act 2003 (revised)

Current Statement of Licensing Policy

Contact: Anthony Garnett

Adrian Stanfield

Director of Central Services and Monitoring Officer

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Statement of Licensing Policy

2019 – 2024

All applications will be considered on their merits, as well as against the relevant policy and statutory framework

Contents

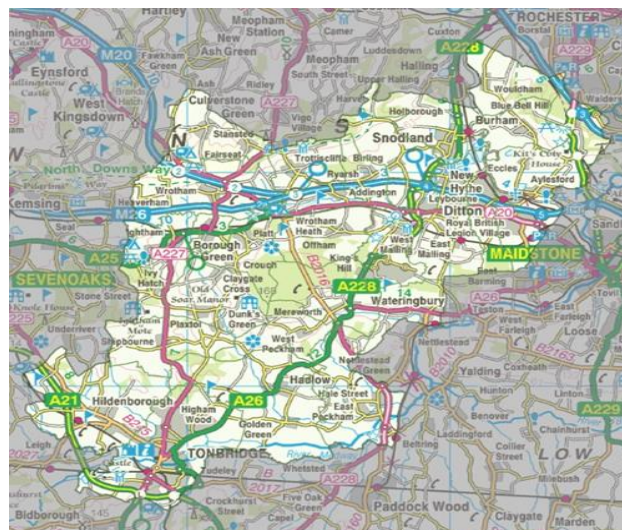
Section	Content	Page Number
	Introduction	3
1	Consultation	4
2	Background	6
3	Licensing Authority general	8
4	Responsible Authorities and other persons	11
5	Exchange of information	12
6	Human Rights and Equal Opportunities	13
7	Compliance and enforcement	13
8	New premises applications	14
9	Variations to licences	15
10	Variations to specify a new designated premises supervisor	15
11	Transfer of premises licences	16
12	Provisional statement for premises	16
13	Club premises certificate	17
14	Review of premises licence or club premises certificate	18
15	Application to vary premises licence at community premises to remove the mandatory requirement for a DPS	19
16	Hearings	19
17	Licence conditions	20
18	Personal licences	24
19	Temporary event notices	25
20	Other relevant matters	26

Section	Appendix	Page Number
A	Overview – Tonbridge & Malling Borough Council	27
B	Contact details of Local Licensing Department	28
C	Responsible Authorities	29
D	References to guides of best practice	30
E	Useful Contact Details	31
	Recommended Delegations of Functions	32

INTRODUCTION

This is the Statement of Licensing Policy as determined by the Council in respect of its licensing functions, with regard to the Licensing Act 2003. This document sets out the position and view of the Licensing Authority in respect of matters in connection with the discharge of its licensing function.

This Statement of Licensing Policy commences on the 10 April 2019 and continues for a five year period. During the five year period the Policy will be kept under review and the Authority will make such revisions to it at such times as it considers appropriate. Further licensing statements will be published every five years thereafter or earlier as necessary.



All references to the 'Guidance' refer to the latest version of the Home Office Guidance to Licensing Authorities issued under section 182 of the Licensing Act 2003.

The 2003 Act requires the Licensing Authority to carry out its various licensing functions so as to promote the following four licensing objectives:

- **the prevention of crime and disorder;**
- **promotion of public safety;**
- **the prevention of public nuisance;**
- **the protection of children from harm.**

The aims of this Statement of Licensing Policy, in line with the four licensing objectives, are to:

- minimise nuisance and disturbance to the public through the licensing process;
- help build a fair and prosperous society that properly balances the rights of people and their communities;
- integrate its aims and objectives with other initiatives, policies plus strategies that will:
 - reduce crime and disorder;
 - encourage tourism;
 - encourage an early evening and night time economy which is viable, sustainable and socially responsible;
 - reduce alcohol misuse;

- encourage employment;
- encourage the self-sufficiency of local communities;
- reduce the burden of unnecessary regulation on business;
- encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

The Licencing Authority will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters, whilst respecting the differing needs of individual communities throughout the local authority area.

This policy covers a wide variety of premises and activities carried on within them. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate. However, there will be zero tolerance of dealing in or using controlled drugs (as defined by the Misuse of Drugs Act 1971) on licensed premises.

1 CONSULTATION

- 1.1 The Statement of Licensing Policy will be kept under review and where any significant amendments are considered necessary these will only be made after consultations have taken place in accordance with Section 5 of the Licensing Act 2003, and the subsequent amendments made to the Act by the Police & Social Responsibility Act 2011 section 122. Amendments required due to a change in legislation that do not impact on the aims and objectives of the Policy or the promotion of the Licencing Objectives will be made with the approval of the Licensing Manager in order for the policy to remain legislatively current.
- 1.2 Proper weight, in accordance with the Guidance, has been given to the views of all those consulted. Those consulted in the preparation of this Policy included:
- the Chief Officer of Police for Kent
 - the Kent Fire and Rescue Service
 - one or more persons who appear to the authority to represent the interests of persons carrying on licensed businesses in the council area
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act
 - any other bodies the Local Authority deemed appropriate
 - members of the public who requested to be consulted and have responded previously.

1.3 In accordance with the guidance the following persons have also been consulted on this revised statement:

- all Council members
- all parish councils
- all bordering local authorities
- Kent Police Licensing Team
- all responsible authorities under the Licensing Act 2003
- British Beer & Pub Association

1.4 **The Statement of Licensing Policy**

1.4.1 The following process steps enabled development of this policy

Draft consultation agreed at the Licensing Committee	24 January 2019
Public Consultation	25 January 2019 until 1 March 2019
Licensing Committee agrees the policy and recommends to Full Council for adoption	12 March 2019
Full Council adopt policy	9 April 2019
New Policy comes into force	15 April 2019

THE POLICY

2 BACKGROUND

2.1 When administering licensing matters the Licensing Authority will promote the four Licensing Objectives set out in Part 2, section 4 of the Licensing Act 2003.

The four licensing objectives are:

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Promotion of Public Safety
- Protection of Children from Harm

The Licensing Authority gives equal weight to each of these objectives.

2.2 The 2003 Act requires Licensing Authorities to publish a 'Statement of Licensing Policy' (the Policy) that sets out the approach the Licensing Authority will take when administering applications and other processes under the Licensing Act 2003 to ensure the promotion of the licensing objectives.

2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the 2003 Act having regard to the amended guidance issued under section 182 of the Act the Police Reform and Social Responsibility Act 2012, the Live Music Act 2012 and the Deregulation Act 2015.

2.4 Tonbridge & Malling Borough Council is the Licensing Authority pursuant to the Licensing Act 2003 (the Act) and is responsible for considering a range of licence applications and variations to licences for a number of activities detailed below. The purpose of licensing is to regulate the licensable activities taking place on licensed premises, at qualifying clubs and under temporary event notices, (TENs). The activities as defined by the Act are:

- Sale by retail of alcohol
- supply of alcohol (club)
- The provision of regulated entertainment which includes:
 - the performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - boxing or wrestling entertainment
 - a performance of live music
 - playing of recorded music
 - performance of dance
 - Provision of late night refreshment

2.5 It should be noted that following the introduction of the Live Music Act 2012, a licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

You also don't need a licence:

- to put on unamplified live music at any place between the same hours; or
- to put on amplified live music at a workplace between the same hours and provided the audience is no more than 500 people.

2.6 The types of premises likely to be included within the licensing regime include:

- Pubs and night clubs
- Off licences (includes supermarkets/shops selling alcohol)
- Restaurants serving alcohol
- Restaurants/Takeaways serving hot food and drink after 11pm
- Private members clubs/social clubs
- Hotels/guest houses selling alcohol
- Cinemas/theatres
- Community premises and village halls
- Providers of temporary events involving licensable activities

and any other premises at which licensable activities are to be provided.

2.7 The Policy will apply across a range of applications which include the following:

- New Premises Licences and Club Premises Certificates
- Variations to Premises Licences and Club Premises Certificates
- Provisional Statements for proposed premises yet to be built
- Transfer of Premises Licences
- Disapplication of mandatory condition in respect of alcohol sales at village halls and community premises
- Variations of licences to change the Designated Premises Supervisor
- Reviews of Premises Licences and Club Premises Certificates
- Personal Licences
- Temporary Events Notices

2.8 The Licensing Authority also regulates other activities at licensed premises which include sexual entertainment events and gambling.

3 LICENSING AUTHORITY GENERAL POLICY CONSIDERATIONS

- 3.1 The Licensing Authority encourages the development of premises which are not alcohol-led and which are aimed at different sectors of the population, including all ages and genders. Premises that promote the arts, offer food, or other cultural activities are particularly encouraged.
- 3.2 Where premises such as pubs are alcohol-based, they are encouraged to consider diversifying their provisions so as to encourage a mixed customer-base and wider attractions, including community uses, soft refreshments, snacks and live entertainment. Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises.
- 3.3 The Licensing Authority recognises the need to promote and encourage live and recorded music, dancing, theatre and other forms of entertainment for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be carefully balanced with the wider benefits.
- 3.4 Pre application advice is available from licensing officers upon request and where appropriate. The Licensing Authority expects that applicants will have in advance researched and understood the relevant Law in relation to their application and their particular business plans as well as this Policy. It is not for licensing officers to determine the business needs and capabilities of an applicant but advice can be offered in relation to the licensing objectives. In addition guidance notes are available on the licensing pages of Council's website – <https://www.tmbc.gov.uk/landing/licensing>
- 3.5 Licensing officers will also provide advice to other parties on the licensing process where needed in relation to objecting to or supporting applications that may affect them. However, Tonbridge & Malling Borough Council cannot provide legal advice to applicants or other parties.
- 3.6 Supermarkets and other 'off' licensed premises selling alcohol: the Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises throughout their opening times. However where there are reasons for restricting or amending hours, for example, where premises become the focus of disorder and disturbance, such restrictions or amendments will be considered where relevant representations have been made.
- 3.7 All 'off' licensed premises must comply with the Licensing Act 2003 Mandatory Conditions Order in relation to age related sales. The Licensing Authority also expects such premises to consider any appropriate and proportionate additional measures to prevent and deter proxy sales on behalf of under 18's.
- 3.8 Premises licence holders should also carefully consider alcohol sales to customers who have or appear to have alcohol related health issues, and whether those customers already appear under the influence of alcohol when attempting to make purchases.

- 3.9 The Licensing Authority expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by most large supermarket chains) is not delivered to minors to prevent a risk of underage consumption.
- 3.10 Where self-pay till points are made available in stores selling alcohol, provision must be considered for alcohol sales to be identified and approved prior to completion of the purchase.
- 3.11 The Licensing Authority expects the premises licence holder or DPS to provide training to staff in relation to alcohol sales. The DPS will authorise competent employees to sell alcohol on their behalf in writing.
- 3.12 The Licensing Authority expects that a DPS should usually have responsibility for only one licensed premises at a time to ensure good management of the premises and the licensable activities. Where the same person is a nominated DPS on more than one premises licence and representations are made, the Licensing Authority will wish to satisfy itself that the premises in question can properly be managed by that person whilst responsibly promoting the licensing objectives.
- 3.13 Film Exhibitions - The Licensing Authority expects premises licence holders or club premises certificate holders to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself.
- 3.14 Live Music - It is acknowledged the implementation of the Live Music Act in 2012 has resulted in a light touch regulation of live music up to 11pm on alcohol licensed premises. This is seen as a positive approach for premises wishing to provide live music. However, the Licensing Authority does not see this as an opportunity for the premises licence holder to provide live music events that cause nuisance and disturbance to local residents or businesses.
- 3.15 The Licensing Authority expects that where unregulated live music is proposed at licensed premises, all due care and consideration is taken to prevent disturbance.
- 3.16 Deregulated Entertainment. Where the further deregulation of schedule 1 of the Licensing Act has reduced the regulatory controls on some regulated entertainment activities, the Licensing Authority will expect premises licence holders to ensure that no nuisance or disturbance is caused to local residents and businesses when providing the deregulated activities.
- 3.17 Late Night Levy (LNL). Whilst it is acknowledged that the provisions for implementing a late night levy arise from the Police Reform and Social Responsibility Act 2011, any levy will potentially have a direct impact on all licensed premises within the Borough. The Licensing Authority has considered the options around the imposition of a LNL and has no plans at the

time of drafting this policy to consider an imposition of the levy. Should evidence arise to support implementing a levy the statutory consultation process will be followed and the authority will use its discretion very carefully in relation to design and impact of a levy.

- 3.18 In advance of any decision to implement a LNL, this authority will enter into discussions with the Police with a view to agreeing the allocation of the Police share of the levy to support the policing of the night time economy within this Borough .
- 3.19 Early Morning Alcohol Restriction Order (EMARO). The Licensing Authority has considered the options around the imposition of an early morning alcohol restriction order and has no plans at the time of developing this policy to consider such an Order. There is currently evidence of low levels of alcohol related crime and disorder, nuisance and anti-social behaviour within the Borough which is decreasing. Should evidence arise to support implementing an EMARO, the statutory consultation process will be followed and the matter referred to the Full Council for determination.
- 3.20 **Licensing and planning permission. The use of a licensed premises or place may be subject to planning controls. This is a separate regulatory regime outside the scope of the Licensing Act 2003. The Licensing Authority recognises that there is no legal basis for refusing a licence application in the absence of any planning permission for the business to which the licence application relates. However, all applicants should be in possession of the necessary planning authorisation.**
- 3.21 Need for licensed premises and Cumulative Impact. 'Need' concerns the commercial demand for particular licensed premises such as a pub, club or hotel. This is a 'market forces' matter and is not of concern to the Licensing Authority. 'Cumulative Impact' means the potential impact on the promotion of the licensing objectives by a significant or excessive number of licensed premises concentrated in one locality. This is a matter for consideration by the Licensing Authority.
- 3.22 The Licensing Authority acknowledges that a concentration of some types of licensed premises in a locality can result in increased footfall, congregation of the public in the streets and potential for increased crime and disorder, litter and anti-social behaviour, as well as noise nuisance to local residents. This would be a result of the presence of the number of premises and not attributable to individual businesses. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation
- 3.23 The Licensing Authority, having regard to the evidence available, considers that currently there is no particular part of the Borough where there is a negative cumulative impact of licensed premises on any of the licensing objectives. If residents or a Responsible Authority

(in particular the Police) provide relevant evidence through a representation in the future that supports the imposition of a Policy that restricts the number of new and/or later opening premises, this will be considered and consulted on.

- 3.24 The absence of an existing cumulative impact or saturation policy does not, however, prevent any responsible authority or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Licensing Authority will also take into account the effect on resources, including police resources, to cope with any influx of visitors to an area, particularly late at night.

4 RESPONSIBLE AUTHORITIES AND OTHER PERSONS

- 4.1 Responsible authorities are public bodies that must be notified of applications by the applicant. Where an application is made online the responsibility will fall on the Licensing Authority to serve the application on the Responsible Authorities. The full list and contact details can be found at Appendix A and are contained on the Tonbridge & Malling Borough Council web-site <https://www.tmbc.gov.uk/landing/licensing>
- 4.2 When dealing with applications and variations for licences and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as 'Responsible Authorities' and 'Other Persons'. This allows for a broad range of people to comment both for and against applications for premises licences, club premises certificates and for reviews.
- 4.3 The Licensing Authority may only consider representations that are relevant to the promotion of the licensing objectives.
- 4.4 The Licensing Authority will take care to ensure that concerns raised by Responsible Authorities in relation to their own legislative functions are not taken into account if they are not relevant to the application for a premises licence under the Act, or the promotion of the licensing objectives. It would expect those authorities to use their powers and duties within their statutory roles to control such matters. Any representation made by a Responsible Authority that relates to the promotion of the licensing objectives will be accepted.
- 4.5 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. The Police are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Licensing Authority will accept all reasonable and proportionate representations made by the Police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.
- 4.6 Where an 'Other Person or Persons' request to be represented when seeking to make a representation, the Licensing Authority will require written evidence from the person/s being represented that they have authorised a third party to speak or write on their behalf.

- 4.7 The Licensing Authority will examine closely all representations to ensure that they are not frivolous, repetitive or vexatious. Matters that this authority will look at are likely to include:
- whether there is a history of making representations that are not relevant or which have been previously considered vexatious or frivolous and are intended to cause aggravation or annoyance
 - whether the representation raises a 'relevant' issue
 - whether the representation raises issues specifically to do with the premises and/or the licensable activities that are the subject of the application.
- 4.8 The above considerations are not exhaustive, and the Licensing Authority will have regard to anything a person making a representation, or persons representing them, say about his or her status to make representations. Nothing in this Policy should be taken to undermine the right of any person to make a representation on an application or to seek a review of a licence where provision to do so exists.
- 4.9 The Public Health Authority is now included on the list of Responsible Authorities. It is acknowledged that they may be useful in providing evidence of alcohol related crime and disorder or public nuisance etc. that are directly linked to premises or a cluster of premises. It may also be able to provide relevant information on alcohol related admissions that relate to specific licensed premises.
- 4.10 The Licensing Authority as a Responsible Authority. The Licensing Authority has carefully considered its role as a Responsible Authority under the Act. It will achieve a separation of responsibilities through procedures and approved delegations within the authority to ensure procedural fairness and eliminate conflicts of interest. A separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority) to different officers within the licensing team.
- 4.11 The Licensing Authority does not expect to act as a Responsible Authority on behalf of third parties but accepts that there may be rare circumstances where this approach may be required. An example may be where matters arise at premises of which the licensing authority is aware of the negative impact on the promotion of the licensing objectives and residents, and other third parties have failed to take action by either requesting a review or making representation.

5 EXCHANGE OF INFORMATION

- 5.1 The Licensing Authority will act in accordance with the provisions of the Licensing Act 2003, General Data Protection Regulation 2018, and the Data Protection Act 1998 in its exchange of information. Where a protocol is established to set out the mechanism for exchange of information with other regulatory bodies, any such protocol will be made publicly available.

6 HUMAN RIGHTS AND EQUAL OPPORTUNITIES

- 6.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention. The Licensing Authority will interpret the Licensing Act 2003 in a manner consistent with the Human Rights Act 1998.
- 6.2 The Licensing Authority will consider the effect upon people's human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the council which affects another's rights must be no more onerous than is necessary in a democratic society.
- 6.3 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping Policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.
- 6.4 The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

7 COMPLIANCE AND ENFORCEMENT

- 7.1 There are a range of offences detailed under Part 7 of the Licensing Act 2003. The Licensing Authority will liaise with the Responsible Authorities to determine enforcement of specific offences on a case by case basis. Offences related to sales of alcohol to minors will be enforced by the Police or Trading Standards Authority unless they form part of a range of offences identified by the Licensing Authority.
- 7.2 The Licensing Authority has an approved Licensing Enforcement Policy which complies with the Regulators' Code and it has also adopted the Kent and Medway Enforcement Protocol.
- 7.3 A risk-based inspection programme is in place, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk and well managed premises. The risk-based approach is based on Home Office Guidance; the activities authorised and premises compliance history.
- 7.4 Annual fees and suspension of licences for non-payment. - The Licensing Authority is required under section 55A of the Licensing Act to suspend premises licenses where the annual fee has not been paid. The Licensing Authority will invoice each premises licence holder when the annual fee is due setting out the fee that is due and the consequences for non-payment. Where

the fee has not been paid or there has been no claim of administrative error by the end of 21 days of the due date, the Licensing Authority will serve the required 7 working day notice to suspend the licence.

7.5 Where a licence is suspended no licensable activities will be authorised to take place at the premises until the suspension is lifted on receipt of payment of the overdue fee. Officers will conduct enforcement visits to premises where a licence has been suspended and will take the appropriate action in accordance with the council's enforcement policy.

7.6 If an operator does not wish to carry on the activities that require the premises licence or certificate anymore it is important the licence or certificate is surrendered to prevent maintenance fees being accrued.

8 NEW PREMISES LICENCES

8.1 In making decisions about applications for licences the Licensing Authority will have regard to:

- the Licensing Act 2003
- the Statutory Guidance issued under section 182 of the Licensing Act 2003
- the Statement of Licensing Policy made under section 5 of the Licensing Act

any decision made that departs from guidance or policy will be set out in the decision notice stating the reasons why the Licensing Authority departed from the guidance or policy.

8.2 Where elements of applications are unclear or unspecific, particularly in relation to operating schedules and trading hours, the Licensing Authority will expect the applicants to provide additional information for clarity on a request.

8.3 Licensing officers will routinely check that the Public Notices at the premises and the Public Notices in newspapers are displayed in accordance with the regulations as part of the public notice process.

8.4 Licensing officers will also notify ward councillors to whose ward the application relates, and the parish council for the relevant parish of receipt of an application via the weekly premises tracker.

8.5 Where there are no relevant representations have been received, the licence will be automatically granted after 28 days or at the end of the public notice period. Licensing officers will interpret the detail of the operating schedule and convert it into consistent enforceable licence conditions.

8.6 Where relevant representations are received the application will be referred to the Licensing panel and appeals committee for determination at hearing, unless all parties agree that a hearing is not necessary. Where applications result in the need for a hearing the process at section 16 of this policy will apply.

9 VARIATIONS TO LICENCES

- 9.1 From time to time premises licence holders may wish to change the nature of the business, vary the trading hours or the licensable activities on offer. These can range from minor changes having little or no impact such as minor changes to the premises plan to more significant changes that will affect the promotion of the licensing objectives. These could include for example; the provision of additional activities and longer and later trading hours. However where a variation is so substantial that it significantly changes the nature of the business and layout of the premises it is likely that a new premises licence application will be required rather than a variation.
- 9.2 The relevant parts of this Policy to be applied to significant variation applications is the same as for new premises licence applications at section 8 above.
- 9.3 Where applications are made for minor variations, Licensing officers will consider whether there is any impact on the promotion of the Licensing Objectives. Where the variation proposed creates a significant impact on the promotion of the Licensing Objectives the application will be rejected and the applicant advised to seek a standard variation.
- 9.4 Where minor impact or no impact is considered Licensing officers will consult with the relevant (if any) responsible authorities.

10 VARIATIONS TO SPECIFY A NEW DESIGNATED PREMISES SUPERVISOR (DPS)

- 10.1 The Licensing Authority expects that usually the nominated DPS on a licence will be involved in and supervising the day to day operation of licensed premises that sell alcohol. Where the person nominated as DPS ceases to undertake that role the Licensing Authority would expect the premises licence holder to replace that person as soon as is reasonably practicable to maintain adequate control of the premises.
- 10.2 Where a DPS notifies the Licensing Authority that he or she has resigned, the licensing officers will enter into immediate discussion with the premises licence holder in relation to the mandatory conditions concerning the sale of alcohol, and provide appropriate advice to prevent unauthorised alcohol sales.
- 10.3 All applications to specify a new DPS must be made by the licence holder or by a person/body authorised in writing to act on the premises licence holder's behalf.
- 10.4 Where there are no representations the default position is to grant the variation.
- 10.5 The Licensing Authority will give appropriate weight to relevant representations received from the Police about a proposed DPS. Applications that receive relevant representations will be referred for a hearing at which point the Licensing panel and appeals committee may approve or reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.

11 TRANSFERS OF PREMISES LICENCES

- 11.1 Before a licence transfer can be processed, the Licensing Authority usually expects consent to have been obtained from the previous premises licence holder. If this is not possible the applicant will be expected to demonstrate that he or she has taken all reasonable steps to secure consent to transfer the licence.
- 11.2 It is acknowledged that in some cases premises licence holders leave premises and do not provide any forwarding contact details, or there has been a death or incapacity of the licence holder. In such cases where a premises licence holder cannot reasonably be contacted to give approval, a licence will be transferred in accordance with the requirements of the Act.
- 11.3 Where a relevant Police objection to the transfer is received the application will be determined through the hearings process unless it is agreed by the applicant and Police as unnecessary.

12 PROVISIONAL STATEMENTS FOR PREMISES

- 12.1 A provisional statement may be applied for, by a person interested in a premises, where a proposed licensed premises has yet to be built or altered for the purpose of becoming a licensed premises. This option allows potential applicants advance notice of whether a premises licence is likely to be granted on completion of its construction or conversion.
- 12.2 The process for considering an application for a provisional statement is the same as that for a premises licence application, including a schedule of works. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and other parties may make representations and there are rights of appeal.
- 12.3 The holder of a provisional statement may apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, where the application is for a licence in the same form as the provisional statement and the work described in the schedule of works has been satisfactorily completed. Representations are excluded where:

Where the relevant person could have made the same or substantially the same representations about the provisional statement application but failed to do so without reasonable excuse and there has been no material change in circumstances of the premises or area in the vicinity of the premises since the provisional statement.

13 CLUB PREMISES CERTIFICATES

- 13.1 The Licensing Authority acknowledges the importance and history of members clubs and the privileged position held by clubs historically in relation to alcohol licensing.
- 13.2 Members clubs are able to obtain a club premises certificate to authorise licensable activities for their members and their guests. There is no requirement for any members to hold a personal licence under the Licensing Act 2003, and there is no requirement to specify a designated premises supervisor. It is acknowledged that alcohol is supplied by and for the members through their membership of the club.
- 13.3 In order to apply for a club premises certificate the Licensing Authority must be satisfied that the club is a qualifying club and satisfies the legal conditions set out in the Act. Applicants for a club premises certificate will be required to complete a club declaration form setting out how the club will meet the conditions and definitions stated in the Act. Licensing officers will have delegated authority to make additional enquiries where appropriate in order to satisfy that a proposed club meets the criteria laid out in the Act.
- 13.4 The fundamental principles for premises licence applications set out at section 15 of this Policy will apply to applications for club premises certificates subject to exemptions in respect of the DPS and the requirement for evidence of the club's status.
- 13.5 Any qualifying club wishing to offer licensable activities at events to which non-members will attend will be required to authorise such activities by way of a Temporary Event Notice or by ensuring compliance with the club rules to allow the public to enjoy the clubs facilities and activities without jeopardising the validity of the club premises certificate.
- 13.6 The Licensing Authority expects 'public' events on club premises to be authorised by a Temporary Event Notice. It is expected that club committee members will seek advice from the Licensing Authority prior to providing such activities for non-members to prevent any unauthorised activities.
- 13.7 Where the Licensing Authority identifies that a club no longer meets the conditions set out in section 62 of the Licensing Act 2003 or where the Licensing Authority obtains evidence to demonstrate that a club no longer acts in good faith as a qualifying club, it will give the club a notice withdrawing the club premises certificate.
- 13.8 Suspension of Club Premises Certificates may also occur under section 92A of the LA2003, failure to pay annual fee.

14 REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

- 14.1 The Licensing Authority acknowledges that matters can arise at premises that raise concern as to the continued promotion of the licensing objectives at licensed premises.
- 14.2 The Act allows a licence to be reviewed where such matters arise. It is expected that most reviews will be applied for by Responsible Authorities.
- 14.3 Although this Licensing Authority is also a Responsible Authority and may bring about a review application, it is not expected that it will act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups).
- 14.4 Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Licensing Authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may consider acting in its capacity as Responsible Authority.
- 14.5 The Licensing Authority will determine whether a review application is relevant and the validity of a review application will be determined by a licensing officer. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- relevant to one or more of the licensing objectives
 - Not frivolous, vexatious or repetitious.
- 14.6 The Licensing Authority would expect grounds for a review to be evidence based but will consider each application on its merits.
- 14.7 Where a review application is accepted the Licensing Authority will encourage the parties to enter into mediation during the consultation period to help resolve or narrow issues arising. The Council would be happy to assist in these meetings being chaired by a member of their team but all parties may choose to have a different third party as a mediation chairperson.
- 14.8 All reviews, save where agreed by all parties as unnecessary, will lead to a hearing before the Licensing panel and appeals committee. This may be a full hearing or a condensed hearing to consider the outcome of mediation. However other parties who have made representation but not been involved in mediation will be permitted to voice their representations at the hearing in accordance with the Hearings Regulations. The Policy applied to hearings can be found in section 16.

15 APPLICATION TO VARY PREMISES LICENCE AT COMMUNITY PREMISES TO REMOVE THE MANDATORY REQUIREMENT FOR A DPS.

- 15.1 The Licensing Authority acknowledges the value that local community premises bring to their localities and that most are operated and managed by volunteers. The mandatory requirement for a nominated DPS to be in place at alcohol licensed community premises can be burdensome and difficult for an individual to manage at such premises.
- 15.2 The Act allows management committees at community premises to take over the responsibility of the alcohol sales by applying to the Licensing Authority to remove the requirement to have a nominated DPS at the premises to authorise sales of alcohol. The Licensing Authority will, subject to strong evidence that a community premises is well managed by an experienced committee, support applications to remove the mandatory condition requiring all alcohol sales to be authorised by a personal licence holder.
- 15.3 Before considering an application the Licensing Authority will satisfy itself that a premises meets the definition of a community premises. Enquiries will be made as to the regular use of the premises and whether it is in the main 'community' based. Where there is a regular 'commercial' or 'non-community based' use or a membership requirement to use the premises it is unlikely that such a premises would meet the definition of a community premises and permission to remove the requirement for a DPS is likely to be refused.
- 15.4 In general it is expected that premises that form part of a church hall or chapel hall or are a village, parish or community hall or other similar building would in most cases meet the definition of a community premises, although each will be considered on its individual merits and the evidence provided or obtained.
- 15.5 The Licensing officers will consider, on a case by case basis, all applications to remove the mandatory condition and will ask such questions or seek the necessary evidence to confirm the suitability of the management committee to collectively authorise the supply of alcohol the premises.
- 15.6 Committees that make an application will be expected to have members who are aware of the law relating to the sale of alcohol, contain steps within their operating schedule to prevent offences relating to alcohol sales and also to include appropriate rules in hiring agreements where the premises is hired out to the public for events that will involve the sale of alcohol.

16 HEARINGS

- 16.1 Any application that has resulted in the submission of relevant representation from any party will be referred to the Licensing Sub-Committee for a hearing and determination in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 16.2 A sub-committee will consist of 3 suitably trained members of the Licensing Committee. The sub-committee will be advised on the law by a member of the Council's Legal Services Team. That legal team member will not be involved in the application process to prevent a conflict of interest by ensuring a clear separation of roles.
- 16.3 This Policy will play a key role in achieving consistency in decision making.

- 16.4 Where representations are made only by Responsible Authorities, the Licensing Authority would expect applicants and Responsible Authorities to enter into negotiation or mediation prior to a hearing in an attempt to resolve or narrow issues before attending the licensing hearing and to achieve an outcome satisfactory to all parties.
- 16.5 Parties will be advised of the hearing date and procedure in advance and in accordance with the statutory process. At all hearings the Licensing and appeals committee sitting as a panel will have regard to the Guidance issued under section 182 of the Act. This authority may use its discretion where there are strong and defensible reasons for departing from the Guidance and where it considers it right to do so. In any such case this Licensing Authority will clearly express and explain its reasons for doing so.
- 16.6 The Licensing Authority must give appropriate weight to representations made by the Police on crime and disorder matters. It will give appropriate weight to all representations made by all parties based on the content and relevance to the promotion of all licensing objectives.
- 16.7 All decision notices will be in writing and will include all considerations taken when making the decisions.

17 LICENCE CONDITIONS

- 17.1 A key concept in the Licensing Act is that conditions that are attached to licences or certificates are tailored to suit the individual style and characteristics of the premises and its activities and the impact of those activities. Those conditions must be appropriate and proportionate in order to promote the licensing objectives at that premises.
- 17.2 All licences that authorise the sale of alcohol will be subject to the mandatory conditions set out in the Act and Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014)
- 17.3 Applicants will be expected to include appropriate steps to promote the licensing objectives within their operating schedule which may be converted to conditions which are then placed on the premises licence or club premises certificate.
- 17.4 Where applications receive valid representations and are subject to a hearing, the Licensing and appeals committee sitting as a panel will consider the evidence provided within representations, the detail of the application, the nature of the premises and business and only where appropriate and proportionate will attach conditions to a licence to secure the promotion of the licensing objectives in light of the evidence provided.
- 17.5 Decisions on individual licence conditions will be made on a case by case basis, and where there are concerns over the effective promotion of the licensing objectives, the applicant will be given the opportunity to offer suggestions on how the objectives can be met. The Licensing Authority will work closely with all parties and the applicant in establishing workable, enforceable and reasonable conditions for new and variation applications.
- 17.6 In all cases the Licensing Authority will have regard to the Guidance when considering the implementation of licence conditions.

- 17.7 In all cases conditions will promote the licensing objectives, be unambiguous and enforceable, appropriate to the activities and the business, achievable and applicable to the premises and the areas around the premises which is within the premises licence holders control.
- 17.8 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory systems including Health and Safety at Work, Fire Safety, Food Hygiene and Nuisance Control. However these regulations may not cover the unique circumstances of some activities and entertainment. In these circumstances, the council may therefore, where necessary, attach conditions to premises licenses for the promotion of the licensing objectives.

CONDITIONS TO PROMOTE THE PREVENTION OF CRIME AND DISORDER.

- 17.9 UNDER THE ACT THE LICENSING AUTHORITY HAS A DUTY TO PROMOTE THE LICENSING OBJECTIVES, AND, A FURTHER DUTY UNDER THE CRIME AND DISORDER ACT 1998 TO DO ALL IT REASONABLY CAN TO PREVENT CRIME AND DISORDER IN THE BOROUGH.
- 17.10 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction to responsible drinks promotions
- Use of safety glass
- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage “vertical drinking”
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

- 17.11 In busier premises the Licensing Authority would usually expect to see a short (e.g.30 mins) ‘wind down’ or ‘drinking up’ period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.
- 17.12 The Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence. Where the Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually

those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area.

- 17.13 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to consider inclusion of a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.
- 17.14 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidential purposes. Premises licence holders will be expected to fully comply with the requirements of the Information Commissioners Office, Data Protection Act 1998 and the General Data Protection Regulation 2018, in respect of any surveillance equipment installed at a premises.
- 17.15 Any application resulting in a hearing the Licensing and appeals committee sitting as a panel will consider each application on its individual merits and determine the imposition of conditions that are appropriate to promotion of the licensing objectives.

CONDITIONS TO PROMOTE PUBLIC SAFETY.

- 17.16 The applicant will be expected to show how the physical safety of persons attending the premises will be protected and to offer any appropriate steps in the operating schedule to promote this.
- 17.17 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.
- 17.18 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises.

CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.

- 17.19 The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.
- 17.20 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:
- Proximity of local residents to the premises
 - Licensable activities proposed and customer base
 - Hours and nature of operation

- Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- Availability of public transport to and from the premises
- Delivery and collection times and locations.
- Impact of external security or general lighting on residents.
- History of management of and complaints about the premises.
- Applicant's previous success in preventing Public Nuisance.
- Outcomes of discussions with the relevant Responsible Authorities.
- Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- Collection of litter arising from the premises

17.21 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

17.22 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

CONDITIONS TO PROMOTE THE PROTECTION OF CHILDREN FROM HARM.

17.23 Applicants will be expected to detail any appropriate and proportionate steps to protect children at the premises from any harm. The Licensing Authority recognises the right of premises licence holders (serving alcohol) to allow accompanied children into their premises. The Licensing Authority would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm. 23

17.24 Steps to protect children from harm must be carefully considered for inclusion where:

- There is entertainment or services of an adult nature provided.
- There have been previous convictions for under age sales of alcohol.
- There has been a known association with drug taking or dealing.
- There is a significant element of gambling on the premises.
- There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
- Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.

17.25 Nothing in the Licensing Act prevents the premises licence holders from excluding children from a licensed premises and no condition can be added to require the admission of children.

17.26 Where there are no matters that give rise to concern in respect of children at premises the Licensing Authority would expect to see the relevant box on an application form completed to specify NONE.

18 PERSONAL LICENCES

18.1 Any person who wishes to act as a DPS at licensed premises must be in possession of a personal licence issued under the Licensing Act 2003. Any other person may also apply for a personal licence subject to meeting the necessary criteria. The Licensing Authority acknowledges the default grant position for applicants who meet the statutory criteria under the Licensing Act 2003.

18.2 The Police will only be consulted where the applicant declares a previous conviction for a relevant offence. A relevant conviction is one that is listed in Schedule 4 of the Licensing Act 2003.

18.3 Where a representation is received from the Police the Licensing Authority must hold a hearing unless the Police and the authority agree that it is unnecessary. The application must be rejected if it is considered appropriate for the promotion of the crime prevention objective and granted in any other case.

18.4 The Police must give a notice of objection to the Licensing Authority within the statutory 14 day consultation period. The Licensing Authority accepts that there is no discretion to accept a late notification from the Police even if the objection provided evidence that to grant the licence would undermine the crime prevention objective.

18.5 The Licensing Authority requires all personal licence holders to advise if there is a change of their name or address in accordance with the Act. All licence holders are advised of this requirement when a licence is granted. Any changes will be updated and an amended licence will be issued within 20 working days of a notification of change.

18.6 The Licensing Authority anticipates that the Magistrates' and Crown Courts will take appropriate action in relation to a personal licence where licence holders are convicted of relevant offences in those courts after the grant of a personal licence and notify the Licensing Authority of any action taken in respect of a personal licence.

18.7 The Licensing Authority requires personal licence holders to undertake their duty to disclose any convictions for a relevant offence after a personal licence has been granted. The Licensing Authority and/or the Police will take appropriate formal action against the licence holder where subsequent relevant convictions are not declared under that duty.

19 TEMPORARY EVENT NOTICES

- 19.1 The Licensing Act 2003 makes provision for the authorisation of a person (known as a premises user) to provide licensable activities on a temporary basis at unlicensed premises, or to add activities and/or extend the hours of existing activities at a licensed premises. The activities are authorised by the serving of a Temporary Event Notice (TEN) on the Licensing Authority, subject to the notice meeting the proper criteria as detailed under the Act.
- 19.2 Comprehensive planning of events is essential and where there are likely to be impacts on neighbouring residents or businesses as a result of the activities to be authorised by a TEN, the Licensing Authority expects the premises user to have considered any potential impacts and how they may be mitigated.
- 19.3 The Licensing Authority welcomes requests for advice from applicants who wish to provide temporary events to ensure they understand the law relating to such events and to reduce the likelihood of objections being made.
- 19.4 There are two types of TEN, Standard and Late. Both are subject to a numerical limit on the number of each type of TEN that can be served by personal licence holders and non-personal licence holders in a calendar year. There are also numerical limitations on the number of TENS that may be served in respect of individual premises or place.
- 19.5 Standard TEN. A standard TEN must be served at least 10 working days (Monday to Friday excluding Bank Holidays) before the event commences. The 10 working days excludes the day of service and the day on which the event starts. Copies of the TEN must be served on the Licensing Authority, The Environmental Health (EH) Department, and the Police. If the TEN is submitted online it is the responsibility of the Licensing authority to serve this notice on the responsible authorities. The fee is payable only to the Licensing Authority.
- 19.6 Where numerical limits are exceeded the Licensing Authority will serve a counter notice and the proposed licensable activities will not be authorised.
- 19.7 Where objections are received from the Police and/or EH and not withdrawn, the notice will be referred for a hearing before the Licensing panel and appeals committee. The Licensing panel and appeals committee may approve the TEN as applied for, add appropriate conditions (if the TEN takes place on a premises with an existing premises licence) or reject a TEN by serving a counter notice A refund of the fee will not be made.
- 19.8 A late TEN may be served between 9 and 5 working days before a proposed event commences. The same limitations apply to the day the notice was served and the day of the event. Where numerical limits are exceeded a counter notice will be served and the proposed licensable activities will not be authorised. A refund of the fee will not be made.
- 19.9 If the late TEN is served with fewer than 5 working days' notice it is deemed invalid and will be rejected. The proposed activities would not be authorised. The Licensing Authority has no discretion to accept TENS outside the permitted statutory deadlines.

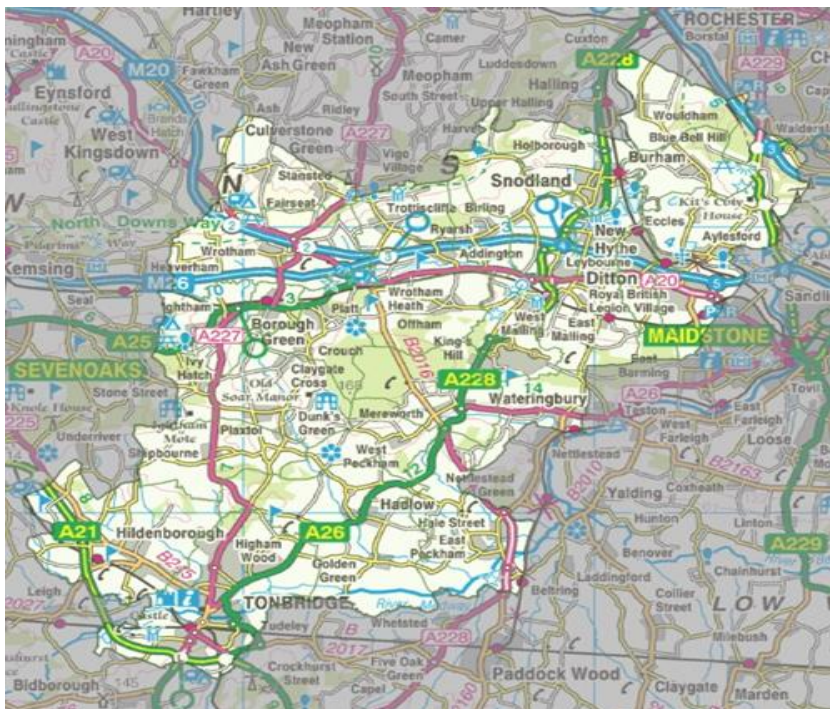
- 19.10 Where valid representations are received from the Police or EH in respect of a late TEN, the TEN will be rejected and proposed activities will be unauthorised. A refund of the fee will not be made.
- 19.11 The Licensing Authority will take the appropriate action where there is evidence that licensable activities have been provided without the authorisation of a TEN.
- 19.12 It should be noted that if a TEN has been processed and is no longer required the fee will not be refunded as the Licensing Authority has already carried out its obligations.

20 OTHER RELEVANT MATTERS

- 20.1 **Adult entertainment.** The Licensing Authority has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions.
- 20.2 The Licensing Authority acknowledges that exemptions under the above legislation do allow sexual entertainment to be provided at premises licensed under the Licensing Act 2003, as long as it is provided on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Those infrequent events will be regulated by the licence granted under the Licensing Act 2003 where that licence authorises performances of dance and where the original application specified that such adult entertainment was proposed to be provided.
- 20.3 **Gaming machines in licensed premises - Automatic entitlement.** There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D. The premises licence holder merely needs to notify this Licensing Authority and pay the prescribed fee.
- 20.4 This authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives (under the GA2005);
 - gaming has taken place on the premises that breaches a condition of section 282 of the GA2005 (for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines);
 - the premises are mainly used for gaming; or
 - an offence under the GA2005 has been committed on the premises.
- 20.5 **Gaming Machine Permit** – If a premises wishes to have more than 2 machines of categories C and/or D, then it needs to apply for a permit and this authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Act, and such matters as officers consider relevant.

Appendix A

Tonbridge & Malling Borough Council.....



The Area

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, the remainder of the borough is dotted with villages and smaller towns. The latest population figures from the mid 2016 Mid-year population estimates show that there are 127,300 people living in the borough. This population size makes Tonbridge & Malling the 5th largest local authority district in the Kent County Council (KCC) area.

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.

Tonbridge & Malling has a younger age profile compared to the county average, with a greater proportion of 5 – 19 year olds than the average for the KCC area. Tonbridge & Malling also has a higher proportion of middle-aged residents, aged between 35 and 59 compared to the county average.

Over the past 10 years Tonbridge & Malling's population has grown by 12.1% (an additional 13,800 people). This is the 6th highest rate of growth of any Kent district. The population growth in Tonbridge & Malling is set to continue with current forecasts suggesting that between 2016 and 2036 the population of the borough will increase by a further 23.4%. This is the 6th highest rate of growth expected for any Kent district and a growth rate that is slightly higher than the county average (22.2%). This forecast is based on KCC's assessment of the district authority's future housing targets as at September 2017. Such targets will be subject to changes as district authorities develop their Local Development Framework.

95.9% of Tonbridge & Malling's population is of white ethnic origin with the remaining 4.1% being classified as of Black Minority Ethnic (BME) origin.

In 2015 Tonbridge & Malling was ranked as the 11th most deprived district in Kent (out of 12 districts, with the most deprived being ranked 1). Nationally Tonbridge & Malling is ranked at 274st out of 326 local authority districts in England. This rank places it within England's 25th least deprived authorities. The greatest levels of deprivation are found within the urban area of Tonbridge & Malling, particularly within Trench ward.

Tonbridge & Malling's unemployment rate is currently 0.9%. This is lower than both the county average of 1.7% and the national average of 1.9%. In September 2017 there were 740 unemployed people in Tonbridge & Malling which is 2.1% higher (15 more people) than August 2017 and 3.5% higher (25 more unemployed people) than September 2016.

Appendix B Contact details for Licensing

Licensing Team		
Anthony Garnett	Head of Service - Licensing, Community Safety & Customer Service,	01732 876368
Katie Shipman	Senior Licensing Officer	01732 876368
Leeann Leeds	Licensing Officer	
Catharine Hill	Licensing Administrator	01732 876368
Suzanne Lee	Licensing Administrator	01732 876368
Licensing Coordinator for Kent Police		01732 379255
Environmental Protection		01622 844522
Planning		01622 844522
West Kent Magistrates Admin		01622 671041
British Institute of Innkeeping (BII)		www.bii.org
Challenge 25		www.challenge25.co.uk
Government legislation		www.legislation.gov.uk

Appendix C - Responsible authorities for Tonbridge & Malling Borough Council

<p>Kent Police Licensing Coordinator Community Safety Unit Tonbridge & Malling Borough Council Gibson Drive Kings Hill West Malling Kent ME19 4LZ west.division.licensing@kent.pnn.police.uk</p> <p>Tel: 01732 379255</p>	<p>Kent Fire & Rescue Service Maidstone Fire Station Loose Road Maidstone Kent ME15 9QB TFS.midgroup@kent.fire-uk.org</p> <p>Tel: 01622 212430</p>
<p>Social Services Kent Safeguarding Children's Board Sessions House County Hall Maidstone Kent ME14 1XQ social.services@kent.gov.uk</p> <p>Tel: 03000 411111</p>	<p>Trading Standards Kent County Council Invicta House County Hall Maidstone Kent ME14 1XX trading.standards@Kent.gov.uk</p> <p>Tel: 03000 412000</p>
<p>Environmental Health Tonbridge & Malling Borough Council Gibson Building Gibson Drive Kings Hill West Malling Kent ME19 4LZ environmental.protection@tmbc.gov.uk foodandsafety@tmbc.gov.uk</p> <p>Tel: 01732 844522</p>	<p>Planning Tonbridge & Malling Borough Council Gibson Building Gibson Drive Kings Hill West Malling Kent ME19 4LZ planning.applications@tmbc.gov.uk</p> <p>Tel: 01732 844522</p>
<p>Alcohol Licensing team (Home Office) Lunar House 40 Wellesley Road Croydon CR9 2BY</p>	<p>Kent Public Health Department Room 3.45, Sessions House, County Hall, County Road Maidstone, Kent ME14 1XQ Tel: 0300 333 6379 Gillian.Montgomery@kent.gov.uk</p>

Appendix D - References to guides of best practice

Revised guidance issued under section 182 of Licensing Act 2003

www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics

www.ioa.org.uk

Good Practice Guide: Licensing published jointly by the Justices' Clerks' Society and the Magistrates' Association (April 1999)

www.magistrates-association.org.uk

The National Alcohol Harm Reduction Strategy Toolkit

www.alcoholconcern.org.uk

The Point of Sale Promotions published by BBPA

www.beerandpub.com

Public Places Charter

www.ash.org.uk

National Pubwatch

www.nationalpubwatch.org.uk

Appendix E - Contact details and useful addresses

<p>Disclosure and Barring Service (DBS) Customer services PO Box 165 Liverpool L69 3JD</p> <p>Information line: 0870 90 90 811</p> <p>Website: https://www.gov.uk/disclosure-barring-service</p>	<p>British Beer & Pub Association Ground Floor Brewers' Hall Aldermanbury Square London EC2V 7HR</p> <p>Tel: 020 7627 9191</p> <p>contact@beerandpub.com</p> <p>Press Office: 020 7627 9199</p>
<p>British Institute of Inn keeping (BII) Wessex House 80 Park Street Camberley Surrey. GU15 3PT</p> <p>Tel: 01276 684 449 www.bii.org</p> <p>Email: reception@bii.org</p>	<p>SIA PO Box 49768 London. WC1 V6WY</p> <p>Website: www.the-sia.org.uk</p> <p>Tel: 0844 892 1025</p>

Appendix F - Recommended delegation of functions as per S182 of the guidance

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/ club premises certificate		If a relevant representation	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	If no objection made
Disapplication of the mandatory condition for a premises to have a DPS at a community premises			All cases
Application for transfer of premises licence		If a police objection	If no objection made
Applications for interim authorities		If a police objection	If no objection made
Application to review premises licence/ club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

Annex 2

Feedback Form – Statement of Licensing Policy 2019 - 2024 – consultation response

Respondent	Ref from Current Policy	Comment

Item CB 19/30 referred from Cabinet minutes of 19 March 2019

CB 19/30 UPDATE ON THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN AND THE ADOPTION OF THE HIGH WEALD MANAGEMENT PLAN

Item PE 19/3 referred from Planning and Transportation Advisory Board minutes of 5 March 2019

The Cabinet received the recommendations of the Planning and Transportation Advisory Board at its meeting of 5 March 2019 regarding reviews of the Kent Downs Area of Outstanding Natural Beauty (AONB) and High Weald AONB Management Plans.

RECOMMENDED: That

- (1) the adoption of the High Weald AONB Management Plan 2019 – 2024 as a material planning consideration by 31 March 2019 be confirmed by the Council; and
- (2) the Kent Downs AONB Management Plan 2014 – 2019 be retained as a material consideration in its current form unless and until a revised and amended Plan has been agreed and adopted by all Local Authorities.

***Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

05 March 2019

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 UPDATE ON THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) MANAGEMENT PLAN AND THE ADOPTION OF THE HIGH WEALD AONB MANAGEMENT PLAN

Summary: This report briefly provides an update on the review of the Kent Downs Area of Outstanding Natural Beauty (AONB) and High Weald AONB Management Plans and recommends the adoption of the High Weald AONB Management Plan.

1.1 Introduction

1.1.1 Section 89 of the Countryside Rights of Way Act 2000 (CROW Act) places a statutory responsibility on relevant local authorities to produce and regularly review an Area of Outstanding Natural Beauty (AONB) Management Plan which 'formulates their policy for the management of the area and for the carrying out of their functions in relation to it'. They are also obliged to review this Plan every five years. Whilst the Plan is not a planning policy document as such, it will be a material consideration in relation to planning policy and the determination of planning applications.

1.1.2 The Borough contains parts of two AONBs, the Kent Downs in the North and a small part of the High Weald in the South. Management Plans for both AONBs were adopted in 2014. The preparation and review of these plans are undertaken by the Kent Downs AONB Joint Advisory Committee (JAC) and High Weald AONB JAC respectively, acting on behalf of the local authorities with land in the AONBs. The JACs comprise elected Councillors and officers representing individual districts, the AONB Unit, as well as representatives from statutory agencies, land owning, farming and community interest groups.

1.2 Kent Downs AONB Management Plan

1.2.1 At their meeting on the 18th of May 2017 the Kent Downs AONB JAC agreed to take forward a review of the Kent Downs AONB Management Plan, including a revision of the Landscape Character Assessment of the Kent Downs, public and stakeholder participation and consultation; and a series of expert opinion debates.

- 1.2.2 As part of this work one of the Local Authority partners raised concerns about how the Management Plan should properly relate to land use planning matters and the relevant Acts and guidance. This intervention raised fundamental issues on which the AONB Unit sought advice from Natural England, the Government's statutory advisor on Designated Landscapes, the National Association for Areas of Outstanding Beauty and Defra's Protected Landscapes team.
- 1.2.3 Natural England's official advice has been provided to the relevant Council and the Unit has received no formal response to this.
- 1.2.4 Given the lack of resolution of this important point, which was raised of part of the review, the JAC agreed, at their meeting on the 7th of June 2018, that it was not expedient to amend the plan until the context is clearer. At the same time all Local Authorities agreed that the existing Management Plan (the Kent Downs AONB Management Plan 2014-2019, Second Revision, April 2014) should remain in place unless and until a revised and amended one has been agreed and adopted by all Local Authorities.
- 1.2.5 At its meeting in November 2018 the JAC it was agreed that the review and amendments should ideally be completed by the end of 2019.
- 1.2.6 With this in mind a proposed timetable is set out below:
- January–April 2019 – Agree position with Local Authorities to enable review to recommence. Assuming this is achieved; refresh and review evidence gathered for the review of AONB Management Plan – confirmation of Landscape Character Assessment and prepare stage 1 of the Strategic Environmental Assessment.
 - April–May 2019 – Redraft plan and circulate plan to JAC for consideration at June JAC meeting.
 - June – Joint Advisory Committee meeting (June 13th) considers redrafted AONB Management Plan and advises whether public consultation should take place (12 weeks).
 - August/September 2019 – Consultation responses considered and reflected in second draft Plan circulated to JAC for internal comments.
 - October 2019 – final draft circulated to JAC in advance of November meeting.
 - November 2019 – JAC meeting (date tbc) to advise whether amended Management Plan should go forward for adoption.
 - December 2019 – Local Authority adoption process.

1.3 High Weald AONB Management Plan

- 1.3.1 In March 2017 the High Weald AONB JAC agreed to undertake a review of the Management Plan, in particular to take account of the potential impact of Brexit on agri-environmental policy and the significant increase in development pressure on the AONB since the last review. The new Plan retains the same basic structure, being around AONB purpose, character and key components of natural beauty, and the policy objectives remain broadly similar.
- 1.3.2 A series of technical workshops were held in summer 2017 and public consultation was carried out during June and July 2018. Officer level comments were provided to the JAC during the consultation. At their meeting on the 28 November 2018, the JAC approved the revised Plan and recommended its adoption by the constituent local authorities.

1.4 Legal Implications

- 1.4.1 Under the terms of the Countryside and Rights of Way (CROW) Act 2000 (part IV Section 89), the Borough Council and the other local authorities within the AONBs have a statutory duty to act jointly to prepare and review the Management Plans for both the Kent Downs AONB and the High Weald AONB.

1.5 Financial and Value for Money Considerations

- 1.5.1 Each of the Local Authorities covered by the AONB make a financial contribution towards the core costs of running the AONB Units. This includes the joint preparation and review of the Management Plans. The AONB Units ensure that that all of the relevant Local Authorities work together, so fulfilling their duty under the Act. This mechanism minimises the cost of the process. The Borough Council's contribution towards these costs is covered by existing budgets.

1.6 Risk Assessment

- 1.6.1 Failure to adopt the High Weald AONB Management Plan by 31st March 2019 would mean that the Council will be in breach of the requirements of the CROW Act 2000 to review the Management Plan within 5 years. In addition, if this timetable is not met there could be sanctions with regard to funding for the AONB Partnership from Natural England.
- 1.6.2 The Kent Downs AONB Unit have updated Defra on the delay to the Management Plan review and have been informed that 'the prudent thing to do at this stage is to contact Natural England and notify them of the situation, i.e. that you are unable to adopt a complete a review of the existing management plan at this stage - this being the case you are working on the basis that the existing management plan remains in place, until the JAC are able to complete a review. Sending notification to Natural England would count as formal notification (under s90(1)(a) Countryside and Rights of Way Act 2000). Separate notification to the public

would not be required unless the JAC thought this wise from a strategic perspective.

1.7 Equality Impact Assessment

- 1.7.1 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.

1.8 Recommendations

- 1.8.1 That the Board RECOMMENDS to Cabinet that the Council should RESOLVE to adopt the High Weald AONB Management Plan 2019-2024 as a material planning consideration by 31st March 2019 and that the Kent Downs AONB Management Plan 2014-2019 should be retained as a material consideration in its current form unless and until a revised and amended one has been agreed and adopted by all Local Authorities.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

High Weald AONB Management Plan 2019-2024

contact: Jenny Knowles
Senior Planning Officer
(Policy)

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

Agenda Item 12

Item referred from Audit Committee minutes of 1 April 2019 - to follow

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Agenda Item 13

Item referred from Audit Committee minutes of 1 April 2019 – to follow

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TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

09 April 2019

Report of the Management Team

Part 1- Public

Matters For Decision

1 FUNDING OF UNBUDGETED PROJECTS

Summary

This report sets out for Council two unbudgeted projects which need to be progressed without delay. The projects relate to the reinstatement of the path and fencing on the Tonbridge Castle Motte and high priority health & safety repairs to a number of bridges owned by the Council.

1.1 Financial Procedure Rules

1.1.1 Members of Council will be fully aware that each year Full Council is responsible for setting the budget, including the allocation of resources to different services and projects.

1.1.2 Any proposal to incur unbudgeted expenditure after Full Council has approved the budget or Capital Plan must be submitted to the Executive for approval. In exceptional circumstances supplementary estimates for revenue and capital expenditure can be reported directly to Full Council for approval.

1.2 Tonbridge Castle Motte

1.2.1 Due to high winds over the weekend of 16th/17th March a large oak tree located on the Motte at Tonbridge Castle fell, causing substantial damage to the paths and fencing. A picture of the damage caused by the tree is shown in the photograph at **Annex 1**. A specialist contractor was employed to remove the fallen tree together with another adjacent tree assessed by the contractor to pose a health & safety risk to the public. The cost of the works to remove the two trees, has been met from the 2018/19 health & safety of trees revenue budget.

1.2.2 The damage is both unsightly and also prevents the public accessing the Motte. The pathway on the Motte is extremely popular and also forms part of the Tonbridge Castle audio tour. Quotations to reinstate the path and the fence are currently being sought and liaison is being undertaken with English Heritage to enable the works to be progressed without delay. The Castle is a high profile tourist attraction in the borough with the Motte a backdrop for a wide range of events on the Castle lawn and for wedding parties.

- 1.2.3 An initial budget estimate of £20,000 has been identified and more accurate costings will be available for Council to consider at the meeting.
- 1.2.4 With regard to funding of the works Council's attention is drawn to a recent award to the Council of £20,231, from the Government's Local Authorities Parks Improvement Fund. A copy of the award letter is attached at **Annex 2**. Council will note in the letter " *the expectation the award will be used to undertake remedial and renovation works to existing parks*" The criteria does allow for addressing health and safety concerns and references repairs to essential footpaths and installation of the barriers. It is therefore felt appropriate to allocate this government funding to the works required to the Motte, with any balance funded from the General Revenue Reserve.

1.3 Repairs to Bridges

- 1.3.1 The Council owns and is responsible for the upkeep of 28 bridges across the borough. The majority of the bridges are located in the Council's Country Parks and on larger areas of public open space including the Racecourse Sportsground in Tonbridge.
- 1.3.2 Following a review of the bridge inspection regime earlier this year, in accordance with the Departmental Risk Register, a new programme of inspections has been agreed and implemented. Under the new regime, all bridges will be visually inspected by Officers from Technical Services on a quarterly basis, with a structural inspection undertaken every 2 years by an external Structural Engineer.
- 1.3.3 An external Structural Engineer has recently completed an inspection of all the bridges and a report has been received. The report identified high, medium and low priority works. High priority works are defined as essential works to be undertaken within the next 3-12 months, medium priority works to be progressed within the next 2 years, and finally low priority works to be monitored in future inspections.
- 1.3.4 To address health & safety concerns it is proposed that quotations be sought for the high priority works which are estimated to cost iro. £20,000. Examples of works involved include repairs of brickwork, replacement of timber decks, repairs to surfacing, repointing of brickwork and repairs to joints. Funding for the medium priority works will be sought as part of the estimates for 2020/21.
- 1.3.5 To enable quotations to be sought for the high priority works, and an order to be placed with the successful contractor as soon as possible, a supplementary estimate funded from the General Revenue Reserve for the works is required.

1.4 Legal Implications

- 1.4.1 The Health & Safety at Work Act places a duty on employers to protect the health and safety and welfare of all its employees, as well as visitors and the general public.

1.5 Financial and Value for Money Considerations

- 1.5.1 The two projects outlined in this report will require in total an estimated budget of £40,000 to enable them to proceed. Both projects will be subject to quotations in accordance with Contract Procedure Rules.
- 1.5.2 The final cost of the works to the Castle will need to take into account the difficulties of working on the site and the need to fully comply with regulations laid down by English Heritage. With the status of the Motte as an ancient monument these regulations are often strict and require a high quality of workmanship.
- 1.5.3 The proposed high priority works to 11 of the bridges equates to approximately £2,000 per bridge.

1.6 Risk Assessment

- 1.6.1 The projects outlined in the report will respond to both health & safety and operational needs of the Service and therefore mitigate risk. The need for a new regime for the inspection of bridges owned by the Council was identified in the Departmental Risk Register. If the works are not progressed a closure of the Motte and a number of bridges to the public will be required.
- 1.6.2 Whilst it is recognised that the Government's recent funding award for Parks is focussed on improvements, Management Team has assessed the criteria and determined that the funding of works to the Castle Motte is appropriate.

1.7 Equality Impact Assessment

- 1.7.1 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.

1.8 Policy Considerations

- 1.8.1 Asset Management
- 1.8.2 Community
- 1.8.3 Health and Safety
- 1.8.4 Procurement

1.9 Recommendations

- 1.9.1 It is RECOMMENDED that:-
- i) the recent award of £20,231 from the Government's Local Authorities Parks Improvement Fund be used to progress urgent reinstatement works to the Tonbridge Castle Motte, with any balance funded from the General Revenue Reserve, and;

- ii) a supplementary estimate of £20,000 be approved funded from the General Revenue Reserve to progress high priority repair works to Council owned bridges, identified in the external Structural Engineers inspection report.

Background papers:

contact: Robert Styles

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services

For Management Team



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Ministry of Housing,
Communities &
Local Government

**Ministry of Housing, Communities and Local
Government**

2nd Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 44 42642

www.gov.uk/mhclg

14 March 2019

Julie Beilby
Chief Executive
Tonbridge & Malling Borough Council

Dear Ms Beilby

Local Authorities Parks Improvement Funding

On 17 February, the Rt. Hon James Brokenshire, Secretary of State for the Ministry of Housing, Communities and Local Government announced £9.7 million funding to be allocated directly to all local authorities with the expectation the award be used to undertake remedial work and renovation of existing parks to enhance the green space available to their local communities.

The funding will enable **Tonbridge & Malling Borough Council** and all other local authorities to target funds to those parks in your local area in need of greatest repair and improvement.

The Ministry of Housing, Communities and Local Government (the Department) is issuing a grant of **£20,231** to **Tonbridge & Malling Borough Council** under powers in section 31 of the Local Government Act 2003. This will support work on those parks in your local area where you consider there is urgent need of refurbishment i.e. parks currently in disuse or at risk of closure due to health and safety concerns.

We recognise that **Tonbridge & Malling Borough Council** is best placed to understand where you should allocate the monies to create good quality green spaces within your local area. However, we would expect that working with parks managers and those within the council responsible for preserving your green spaces, funds will be targeted where there is an immediate need. Some examples of the work you might look to undertake might include:

- Renovating children's play areas, particularly where they have fallen into disuse or disrepair or where health and safety may be an issue;
- Replacing essential footpaths and benches that are potentially dangerous or represent a health and safety risk;
- Undertaking essential improvements to infrastructure – including the installation of gates and other barriers to address health and safety concerns;

- Improving areas in parks which are known to attract antisocial behaviour, graffiti or present other community safety concerns;
- Improving access to parks for all sections of the community - including disabled people;
- Improvements to maximise opportunities for local people to take part in physical activities - including multi-use games areas, improvements to playing fields and increasing opportunities for sports; and
- Creating inclusive spaces that encourage people to interact and meet, contributing to community cohesion.

Parks and green spaces are vibrant and inclusive locations for communities to socialise, volunteer, work, and exercise. The Government is committed to safeguarding the future of parks and green spaces, so they can be passed on to future generations and consider. This investment is one of the many ways the Government is supporting local authorities in delivering work to achieve this.

The Department will:

- Provide through a Section 31 grant to your authority **£20,231** to support work to deliver improvements to at least one park. **These funds will be paid into the local authority account on the 18 March 2019.**
- Issue a monitoring form three months from the date of the award allocation to inform our evaluation of the programme. We will assess the progress made on improvements undertaken by the local authority to demonstrate the value delivers outcomes compatible with the examples illustrated above.
- MHCLG will commit to visiting at least 10 % of the 353 local authorities awarded funds, within one year of the funding to review the outcomes from the project. This will enable the Department to undertake a review on the outcomes across a range of local authorities around the country i.e. urban, metropolitan areas and different parts of the country.

This grant and support provided will assist you in implementing the work to achieve the improvements necessary to improve quality standards in your local parks. We look forward to seeing the positive outcomes delivered by **Tonbridge & Malling Borough Council** as a result of the funding support.


Integration and Communities
Ministry of Housing, Communities and Local Government

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

09 April 2019

Report of the Director of Central Services

Part 1- Public

Matters For Decision

1 PROGRAMME OF MEETINGS 2019/20

1.1 This report brings forward for consideration the programme of meetings for 2019/20

1.1.1 Details of the draft proposed programme of meetings for the remainder of this year to the commencement of the municipal year in 2021 are set out in the Annex to this report. To assist Members with the Annex any cancelled meetings have been 'scored through' and amendments or changed dates are shown in italic.

1.1.2 With regard to the current programme of meetings for the municipal years 2018/19 and 2019/20 Members are asked to note the following:-

1.1.3 The change of date of the Annual Council meeting from 14 to 20 May 2019.

1.1.4 In respect of the proposed programme May 2020 onwards the meetings of Area 1 Planning Committee and Tonbridge Forum (marked with an asterisk in the Annex) have yet to be confirmed with the Angel Centre and efforts have been made to avoid scheduling meetings during school holiday and political party conference periods.

1.1.5 Following comments previously received from Members with regard to possible conflict with a number of town or parish council meetings an attempt has been made to avoid scheduling meetings on Monday evenings, and particularly the first Monday of the month, whenever practicable.

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 Policy Considerations

1.7.1 Business Continuity/Resilience

1.8 Recommendations

1.8.1 RECOMMENDED that the attached programme of meetings be endorsed subject to any amendments following any further considerations and submitted to Annual Council for final confirmation.

Background papers:

contact: Janet Shenton

Nil

Adrian Stanfield
Director of Central Services

TONBRIDGE AND MALLING BOROUGH COUNCIL

PROGRAMME OF MEETINGS 2019/21

2019

APRIL

Monday	1st	Audit Committee
* Thursday	4th	Area 1 Planning Committee
Tuesday	9th	COUNCIL followed by Special meeting of Council
Wednesday	10th	Area 2 Planning Committee
Friday	19th	OFFICES CLOSED – EASTER HOLIDAY
Monday	22nd	OFFICES CLOSED – EASTER HOLIDAY
Thursday	25th	Area 3 Planning Committee

MAY

Thursday	2nd	BOROUGH COUNCIL ELECTIONS
Monday	6th	OFFICES CLOSED – BANK HOLIDAY
Tuesday	14th	ANNUAL COUNCIL – To be moved to 20th May
Monday	20th	<i>ANNUAL COUNCIL</i>
Tuesday	21st	Economic Regeneration Advisory Board
Wednesday	22nd	Finance, Innovation and Property Advisory Board
* Thursday	23rd	Area 1 Planning Committee
Monday	27th	OFFICES CLOSED – BANK HOLIDAY
Tuesday	28th	Communities and Housing Advisory Board
Wednesday	29th	Area 2 Planning Committee

JUNE

Tuesday	4th	Planning and Transportation Advisory Board
Wednesday	5th	Cabinet
Thursday	6th	Area 3 Planning Committee
Monday	10th	Joint Transportation Board
Tuesday	11th	Street Scene and Environment Services Advisory Board
Wednesday	12th	Joint Standards Committee (If required)
Thursday	13th	Parish Partnership Panel
Tuesday	18th	Licensing and Appeals Committee (If required)
Wednesday	19th	General Purposes Committee
Thursday	20th	Overview and Scrutiny Committee
Tuesday	25th	Cabinet
* Thursday	27th	Area 1 Planning Committee

JULY

Wednesday	3rd	Area 2 Planning Committee
Tuesday	9th	COUNCIL
Thursday	11th	Area 3 Planning Committee
Tuesday	16th	Planning and Transportation Advisory Committee
Wednesday	17th	Finance, Innovation and Property Advisory Board
Monday	22nd	Audit Committee
Tuesday	23rd	Communities and Housing Advisory Board

AUGUST

*	Thursday	1st	Area 1 Planning Committee
	Wednesday	14th	Area 2 Planning Committee
	Thursday	22nd	Area 3 Planning Committee
	Monday	26th	OFFICES CLOSED – BANK HOLIDAY
	Thursday	29th	Overview and Scrutiny Committee

SEPTEMBER

	Tuesday	3rd	Street Scene and Environment Services Advisory Board
	Wednesday	4th	Economic Regeneration Advisory Board
	Thursday	5th	Parish Partnership Panel
*	Monday	9th	Tonbridge Forum
*	Thursday	12th	Area 1 Planning Committee
	Tuesday	17th	Licensing and Appeals Committee (If required)
	Wednesday	18th	Finance, Innovation and Property Advisory Board
	Monday	23rd	Joint Transportation Board
	Wednesday	25th	Area 2 Planning Committee

OCTOBER

	Tuesday	1st	Audit Committee
	Thursday	3rd	Area 3 Planning Committee
	Tuesday	8th	General Purposes Committee
	Thursday	10th	Overview and Scrutiny Committee
	Tuesday	15th	Joint Standards Committee (If required)
	Wednesday	16th	Cabinet
*	Thursday	24th	Area 1 Planning Committee
	Tuesday	29th	COUNCIL
	Wednesday	30th	Street Scene and Environment Services Advisory Board

NOVEMBER

	Tuesday	5th	Economic Regeneration Advisory Board
	Wednesday	6th	Area 2 Planning Committee
	Tuesday	12th	Communities and Housing Advisory Board
	Wednesday	13th	Planning and Transportation Advisory Committee
	Thursday	14th	Parish Partnership Panel
	Monday	18th	Joint Transportation Board
	Thursday	21st	Area 3 Planning Committee
	Tuesday	26th	Licensing and Appeals Committee (If required)
*	Thursday	28th	Area 1 Planning Committee

DECEMBER

	Thursday	5th	Overview and Scrutiny Committee
	Wednesday	11th	Area 2 Planning Committee
	Wednesday	25th	OFFICES CLOSED – CHRISTMAS HOLIDAY
	Thursday	26th	OFFICES CLOSED – CHRISTMAS HOLIDAY
	Friday	27th	OFFICES CLOSED – CHRISTMAS HOLIDAY

2020

JANUARY

Wednesday	1st	OFFICES CLOSED – NEW YEAR DAY
Wednesday	8th	Finance, Innovation and Property Advisory Board
Thursday	9th	Area 3 Planning Committee
Tuesday	14th	Joint Standards Committee (If required)
* Thursday	16th	Area 1 Planning Committee
Monday	20th	Audit Committee
Tuesday	21st	Overview and Scrutiny Committee
Wednesday	22nd	Area 2 Planning Committee
Monday	27th	General Purposes Committee
Tuesday	28th	Cabinet
Thursday	30th	Area 3 Planning Committee

FEBRUARY

Thursday	6th	Parish Partnership Panel
Tuesday	11th	Street Scene and Environment Services Advisory Board
(Thursday	13th	KCC Budget Meeting – To be confirmed)
Thursday	13th	Cabinet (Budget Meeting)
Tuesday	18th	COUNCIL (Budget Meeting)
Wednesday	19th	Economic Regeneration Advisory Board
* Thursday	20th	Area 1 Planning Committee
* Monday	24th	Tonbridge Forum
Tuesday	25th	Communities and Housing Advisory Board
Wednesday	26th	Area 2 Planning Committee
Thursday	27th	Joint Employee Consultative Committee (Full) (commences 0930hrs)

MARCH

Tuesday	3rd	Planning and Transportation Advisory Committee
Wednesday	4th	Joint Standards Committee (If required)
Monday	9th	Joint Transportation Board
Tuesday	10th	Licensing and Appeals Committee (If required)
Thursday	12th	Overview and Scrutiny Committee
Tuesday	17th	Cabinet
Thursday	19th	Area 3 Planning Committee
* Thursday	26th	Area 1 Planning Committee

APRIL

Wednesday	1st	Area 2 Planning Committee
Monday	6th	Audit Committee
Friday	10th	OFFICES CLOSED – EASTER HOLIDAY
Monday	13th	OFFICES CLOSED – EASTER HOLIDAY
Tuesday	21st	COUNCIL
Thursday	23rd	Area 3 Planning Committee

MAY

Monday	4th	OFFICES CLOSED – BANK HOLIDAY
Thursday	6th	POLICE AND CRIME COMMISSIONER ELECTIONS

	Tuesday	12th	ANNUAL COUNCIL
	Tuesday	19th	Economic Regeneration Advisory Board
	Wednesday	20th	Finance, Innovation and Property Advisory Board
*	Thursday	21st	Area 1 Planning Committee
	Monday	25th	OFFICES CLOSED – BANK HOLIDAY
	Tuesday	26th	Communities and Housing Advisory Board
	Wednesday	27th	Area 2 Planning Committee

JUNE

	Tuesday	2nd	Planning and Transportation Advisory Committee
	Wednesday	3rd	Cabinet
	Thursday	4th	Area 3 Planning Committee
	Monday	8th	Joint Transportation Board
	Tuesday	9th	Street Scene and Environment Services Advisory Board
	Wednesday	10th	Joint Standards Committee (If required)
	Thursday	11th	Parish Partnership Panel
	Tuesday	16th	Licensing and Appeals Committee (If required)
	Wednesday	17th	General Purposes Committee
	Thursday	18th	Overview and Scrutiny Committee
*	Thursday	25th	Area 1 Planning Committee
	Tuesday	30th	Cabinet

JULY

	Wednesday	1st	Area 2 Planning Committee
	Thursday	9th	Area 3 Planning Committee
	Tuesday	14th	COUNCIL
	Tuesday	21st	Communities and Housing Advisory Board
	Wednesday	22nd	Finance, Innovation and Property Advisory Board
	Monday	27th	Audit Committee
	Tuesday	28th	Planning and Transportation Advisory Committee

AUGUST

*	Thursday	6th	Area 1 Planning Committee
	Wednesday	12th	Area 2 Planning Committee
	Thursday	20th	Area 3 Planning Committee
	Thursday	27th	Overview and Scrutiny Committee
	Monday	31st	OFFICES CLOSED – BANK HOLIDAY

SEPTEMBER

	Tuesday	1st	Street Scene and Environment Services Advisory Board
	Wednesday	2nd	Economic Regeneration Advisory Board
	Thursday	3rd	Parish Partnership Panel
*	Monday	7th	Tonbridge Forum
*	Thursday	10th	Area 1 Planning Committee
	Tuesday	15th	Licensing and Appeals Committee (If required)
	Wednesday	16th	Finance, Innovation and Property Advisory Board
	Monday	21st	Joint Transportation Board
	Wednesday	23rd	Area 2 Planning Committee
	Monday	28th	Audit Committee

OCTOBER

Thursday	1st	Area 3 Planning Committee
Tuesday	6th	General Purposes Committee
Thursday	8th	Overview and Scrutiny Committee
Monday	12th	Joint Standards Committee (If required)
Wednesday	14th	Cabinet
* Thursday	22nd	Area 1 Planning Committee
Tuesday	27th	COUNCIL
Wednesday	28th	Street Scene and Environment Services Advisory Board

NOVEMBER

Tuesday	3rd	Economic Regeneration Advisory Board
Wednesday	4th	Area 2 Planning Committee
Tuesday	10th	Communities and Housing Advisory Board
Wednesday	11th	Planning and Transportation Advisory Committee
Thursday	12th	Parish Partnership Panel
Tuesday	17th	Licensing and Appeals Committee (If required)
Thursday	19th	Area 3 Planning Committee
Monday	23rd	Joint Transportation Board
* Thursday	26th	Area 1 Planning Committee

DECEMBER

Thursday	3rd	Overview and Scrutiny Committee
Wednesday	9th	Area 2 Planning Committee
Thursday	24th	OFFICES CLOSED – CHRISTMAS HOLIDAY
Friday	25th	OFFICES CLOSED – CHRISTMAS HOLIDAY
Monday	28th	OFFICES CLOSED – CHRISTMAS HOLIDAY

2021

JANUARY

Friday	1st	OFFICES CLOSED – NEW YEAR DAY
Wednesday	6th	Finance, Innovation and Property Advisory Board
Thursday	7th	Area 3 Planning Committee
Tuesday	12th	Joint Standards Committee (If required)
* Thursday	14th	Area 1 Planning Committee
Monday	18th	Audit Committee
Tuesday	19th	Overview and Scrutiny Committee
Wednesday	20th	Area 2 Planning Committee
Monday	25th	General Purposes Committee
Tuesday	26th	Cabinet
Thursday	28th	Area 3 Planning Committee

FEBRUARY

Thursday	4th	Parish Partnership Panel
Tuesday	9th	Street Scene and Environment Services Advisory Board
(Thursday	11th	KCC Budget Meeting – To be confirmed)
Thursday	11th	Cabinet (Budget Meeting)
Tuesday	16th	COUNCIL (Budget Meeting)
Wednesday	17th	Economic Regeneration Advisory Board

- * Thursday 18th Area 1 Planning Committee
- * Monday 22nd Tonbridge Forum
- Tuesday 23rd Communities and Housing Advisory Board
- Wednesday 24th Area 2 Planning Committee
- Thursday 25th Joint Employee Consultative Committee (Full)
(commences 0930hrs)

MARCH

- Tuesday 2nd Planning and Transportation Advisory Committee
- Wednesday 3rd Joint Standards Committee (If required)
- Monday 8th Joint Transportation Board
- Tuesday 9th Licensing and Appeals Committee (If required)
- Thursday 11th Overview and Scrutiny Committee
- Tuesday 16th Cabinet
- Thursday 18th Area 3 Planning Committee
- * Thursday 25th Area 1 Planning Committee

APRIL

- Friday 2nd OFFICES CLOSED – EASTER HOLIDAY
- Monday 5th OFFICES CLOSED – EASTER HOLIDAY
- Tuesday 6th Audit Committee
- Wednesday 7th Area 2 Planning Committee
- Tuesday 13th COUNCIL
- Thursday 22nd Area 3 Planning Committee

MAY

- Monday 3rd OFFICES CLOSED – BANK HOLIDAY
- Tuesday 11th ANNUAL COUNCIL
- Tuesday 18th Economic Regeneration Advisory Board
- Wednesday 19th Finance, Innovation and Property Advisory Board
- * Thursday 20th Area 1 Planning Committee
- Tuesday 25th Communities and Housing Advisory Board
- Wednesday 26th Area 2 Planning Committee
- Monday 31st OFFICES CLOSED – BANK HOLIDAY

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.

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
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