

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

Contact: Committee Services
committee.services@tmbc.gov.uk

29 January 2020

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Parish Partnership Panel to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 6th February, 2020 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

Part 1 - Public

1. Apologies for absence
2. Minutes

5 - 12

To confirm as a correct record the Minutes of the meeting of the Parish Partnership Panel held on 14 November 2019

3. Update on action identified in the last Minutes

4. Street Scene Services

Updates will be provided on the following:

- *Waste Services Contract*
- *Provision of Household Waste Recycling Centre in Tonbridge and Malling*
- *Fly Tipping Enforcement*
- *Car Parking Charges – Public Consultation*

5. Planning Applications - 21 day call-in period

The Cabinet Member for Strategic Planning and Infrastructure (Councillor David Lettington) will set out the position of the Borough Council.

6. Article 4 Directions

13 - 16

A written response to a number of specific points raised by the Kent Association of Local Councils

7. Kent Police Services Update

Representatives of Kent Police to advise of recent initiatives, operations and activities, including issues raised by the Panel.

8. Kent County Council Services Update

Representatives from the County Council to provide an update on recent initiatives, consultations and other matters of interest.

9. Tonbridge and Malling Borough Council Services Update

DISTRIBUTION

Borough Council Representatives

Cllr N J Heslop (Chairman)
Cllr M A Coffin (Vice-Chairman)
Cllr Mrs J A Anderson
Cllr R P Betts
Cllr R W Dalton
Cllr P M Hickmott
Cllr F A Hoskins
Cllr S A Hudson
Cllr Mrs C B Langridge
Cllr D Lettington
Cllr B J Luker
Cllr M R Rhodes
Cllr M Taylor

Parish and Town Council Representatives

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

County Councillors

Trudy Dean, Malling Central
Matthew Balfour, Malling Rural East
Sarah Hohler, Malling North
Peter Homewood, Malling Rural North East
Harry Rayner, Malling West

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PARISH PARTNERSHIP PANEL

Thursday, 14th November, 2019

Present: Cllr N J Heslop (Chairman), Cllr M A Coffin (Vice-Chairman), Cllr R P Betts, Cllr R W Dalton, Cllr F A Hoskins, Cllr S A Hudson, Cllr Mrs C B Langridge, Cllr D Lettington, Cllr B J Luker, Cllr M R Rhodes and Cllr M Taylor.

Together with Addington, Aylesford, Birling, Borough Green, Burham, Ditton, East Malling and Larkfield, Hadlow, Hildenborough, Kings Hill, Offham, Platt, Plaxtol, Ryarsh, West Peckham, Wouldham, Wrotham Parish Councils and County Councillors Mrs S Hohler and Mr H Rayner.

Councillors D A S Davis and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs J A Anderson.

PART 1 - PUBLIC

PPP 19/26 MINUTES

RESOLVED: That the Minutes of the meeting held on 5 September 2019 be approved as a correct record and signed by the Chairman.

PPP 19/27 UPDATE ON ACTION IDENTIFIED IN THE LAST MINUTES

There were no actions identified that were not covered elsewhere on the agenda.

PPP 19/28 SPEEDWATCH

The Community Speedwatch Manager (Alan Watson) participated in discussions related to the initiative and views of the parish/town councils were also invited.

In summary, Community Speedwatch was a national initiative where volunteers from local communities monitored speeds of vehicles using speed detection devices. Vehicles exceeding the speed limit were referred to the Police with the aim of educating drivers to reduce speeds. In cases where education was ignored and evidence of repeat offences was found enforcement and prosecution could follow.

Further details were available on:

<https://www.communityspeedwatch.org/>

There were a number of active and successful Community Speedwatch groups in the Borough with 163 sites assessed and 562 sessions undertaken between April and October 2019. A divisional report for Tonbridge and Malling was tabled and would be circulated for awareness in due course.

The Community Speedwatch Manager was pleased to report new groups had recently been established at Peters Village and Wouldham, with equipment borrowed from Snodland for a trial period.

Anyone interested in setting up a Community Speedwatch Scheme should contact Alan Watson on csw@kent.pnn.police.uk for further advice on what options were available, whether equipment could be loaned for a pilot period, how to access training for volunteers and details of equipment suppliers. It was indicated that speed detection devices had a cost of approximately £2,500 which was funded by the parish/town council. In unparished areas County Members could be approached.

A number of parishes asked whether additional support could be provided by Kent Police, especially related to enforcement and recognition of speeding problems in villages. In response, it was explained that Kent Police had finite resources and a number of priorities to address. However, it was hoped that Community Police volunteers would be engaged during 2020 who could potentially support the Speedwatch schemes and had some enforcement powers.

The Chairman advised, that in his role as Leader of the Borough Council, he was scheduled to meet the Chief Constable early in 2020 and offered to refer any concerns around enforcement raised by parish councils at that meeting.

The Chairman thanked Alan Watson for his contribution to the discussion which was greatly appreciated.

PPP 19/29 KENT POLICE SERVICES UPDATE

Sergeant Turtle provided a verbal update on the achievements made in performance and the neighbourhood policing agenda. The headline messages were that a new town centre police constable based in the Malling area had started in November; a new police constable was having on street training and there was also a new community police officer.

Recent crime trends and activity included:

- Theft of keys to steal motor vehicles from homes at night. Residents were advised to secure car keys away from the front door or use a protective Faraday pouch to block signals.
- Theft of catalytic convertors.
- Increase in burglaries due to the earlier dark nights. Operation Castle had been established to address this trend.
- Over Halloween and Bonfire Night a number of dispersal orders had been used to clear gangs of youths gathering in communities. This action had been greatly appreciated by residents.
- 17 students had attended the Kent Police College on 5-6 November to shadow officers. This had been a well-received event.
- Anti-Social Behaviour and nuisance cycling remained a problem. However, good progress was being made to improve the situation due to continued partnership working, communication and education.
- Operation Chinook was an initiative to identify potential exploitation and involved visits to car washes, and similar activities, with various agencies.

Following on from the last meeting where concerns had been raised regarding the use of nitrous oxide, it was clarified that currently this was not a criminal matter and education around the potential dangers of using the substance was required.

PPP 19/30 STREET SCENE SERVICES

Updates were provided on the following issues:

(a) Waste Services Contract

The Cabinet Member for Street Scene and Environment Services (Councillor Robin Betts) referred to the significant concerns raised by Members at recent meetings with Urbaser regarding the contractor's performance, the non-completion of rounds, 'missed' collections and the lack of crew familiarisation with the new rounds. It was emphasised that the current standard of service was unacceptable.

As a result of these meetings, and having regard of the significant concerns raised by the recent Street Scene and Environment Services Advisory Board, an Action Plan setting out how the current issues would be addressed was developed by the contractor. With immediate effect

the contractor had increased the number of collections to 6 (up from 4) to ensure rounds were completed in a timely fashion.

The parish councils shared the significant concerns raised by Members and also queried why crews were switched to new rounds they were unfamiliar with following the initial 6 month transfer (March – September); the capacity of the food waste pocket; failure of IT to support crews; the ability of the Borough Council to deal with the volume of calls and the perceived mixing of materials by the contractor.

In response, the Street Scene Manager (in his role as Partnership Manager) indicated that many of these concerns had been raised with the contractor and the operational working patterns proposed had worked successfully elsewhere. However, it appeared that the number of vehicles required had been underestimated as had the amount of food waste that could be generated. It was planned that once the service was operating smoothly there would be opportunity to educate about reducing food waste.

To avoid confusion by residents it was suggested that an information sheet of what could be recycled be produced. The recently established cross-party Waste Contract Member Group would be asked to look at this further as part of improving communication and messaging to residents.

With regard to the use of IT which enabled crews to identify properties and routes, it appeared that this was not being fully utilised. This highlighted a potential lack of user knowledge and should be addressed urgently by the contractor.

The Chief Executive advised that additional staff had been engaged on a temporary contract to assist with the volume of calls being received and this would be paid for by Urbaser. Residents were advised to check the website for regular updates.

Any evidence of material being mixed at collection should be reported as the contractor and the Borough Council took this issue seriously and could be a disciplinary matter. The use of 'shuttle bins' to aggregate waste from various properties was noted and did not mean material was being mixed.

Members welcomed the principle of kerbside collection and improved recycling as it supported climate change. The Borough Council continued to perform well and the last recorded figure for waste sent to landfill for Tonbridge and Malling was 0.4%

It was noted that the vast majority of subscribers to the garden waste collection scheme were getting their bins emptied and receiving the service they had paid for. However, consideration would be given to extending renewal dates where appropriate.

It was also recognised that a number of residents were receiving a good service. Overall, the Borough Council was pleased by the response of residents in embracing recycling and were disappointed that the performance of the contractor had not improved sufficiently to support this response.

In conclusion, the Chairman (in his role as Leader) reiterated that the Borough Council would continue to apply pressure to Urbaser to improve the level of service as the current performance experienced by some residents was unacceptable. The Borough Council would review the options to invoke the financial penalties set out in the contract if there was no improvement by the beginning of next week.

The Chairman thanked the Panel for the tone and quality of the debate which had been well balanced and fair.

(b) Car Parking Management

All the Borough Council's fees and charges were reviewed on an annual basis. Proposals related to car parking would be considered by Cabinet early in 2020.

In addition, reviews of car parking management in Kings Hill, Hadlow and Hildenborough would also be done as part of the regular programme of works.

(c) Household Waste Recycling Centre (HWRC)

Kent County Council (KCC) was currently tendering for the provision of a new HWRC in Tonbridge and Malling and a good level of interest had been received from a number of providers. It was noted that the successful tenderer would be expected to submit their own planning application.

A contract announcement would be made in March 2020 and KCC had offered to attend the next meeting of the Parish Partnership Panel to provide an update.

It was clarified that once the HWRC was operational in Tonbridge and Malling residents would no longer be able to use the facility at Cuxton.

The County Councillor for Malling West (Councillor H Rayner) advised that KCC was installing a new food waste digester at Blaise Quarry Farm. This was due to come online in April 2020.

PPP 19/31 LOCAL PLAN

The Cabinet Member for Strategic Planning and Infrastructure (Councillor David Lettington) referred to the report of the Director of

Planning, Housing and Environmental Health which provided an update on the Local Plan and included details of the public consultation exercise requested by the appointed Planning Inspectors.

A six week public consultation was launched on 4 November and would close on 23 December. This had been extended by one week due to technical difficulties with communication at the beginning of the process.

All respondents to the Regulation 19 consultation had been contacted, as well as statutory consultees, neighbouring local authorities, local councils and MPs. The consultation had also been publicised on the Borough Council's website and social media accounts and press releases issued.

Previous respondents at Regulation 19 would be asked to use the same ID numbers so that responses could be linked in future searches of the database. New respondents would be issued with new ID numbers.

After the close of the consultation the responses would be sent to the Planning Inspectors for consideration and these would influence the main issues and questions that would form the basis of the discussion at the hearing sessions. How long this process took depended on the number and type of responses received. It was expected that the hearing would not commence before mid to late February – March to allow sufficient time for the Planning Inspectors to evaluate the responses submitted.

PPP 19/32 KENT COUNTY COUNCIL SERVICES UPDATE

Members noted the report of the Kent County Council Member Hub Support Officer, which advised that a new Cabinet and Leader had been officially confirmed on 18 October, as outlined below:

- Roger Gough - Leader
- Peter Oakford - Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services
- Clair Bell - Cabinet Member for Adult Social Care and Public Health
- Susan Carey - Cabinet Member for Environment
- Sue Chandler - Cabinet Member for Integrated Children's Services
- Mike Hill - Cabinet Member for Community & Regulatory Services
- Richard Long - Cabinet Member for Education and Skills
- Michael Payne - Cabinet Member for Highways and Transport
- Shellina Prendergast - Cabinet Member for Communications, Engagement and People
- Mike Whiting - Cabinet Member for Economic Development

Details of a number of County initiatives and consultations were also set out for information. Particular reference was made to the Budget Consultation which closed on 25 November and all were encouraged to submit comments.

All Kent County Council consultations could be viewed online at:

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

PPP 19/33 TONBRIDGE AND MALLING BOROUGH COUNCIL SERVICES UPDATE

The Chairman, in his role as Leader of the Borough Council, provided a brief update on key points of relevance to Tonbridge and Malling. The headline messages included:

(i) Queen's Visit to the RBLI

Her Majesty the Queen had recently toured the facilities, including the centenary village housing project, at the Royal British Legion Industries village and opened the new Appleton Lodge care facility for veterans. The visit coincided with the centenary of the RBLI.

(ii) Larkfield Leisure Centre Improvement Works

The leisure and teaching pools were closed for essential works to the leisure centre roof. The fitness pool and all other areas remained open as usual.

(iii) Local Centres and Parades Shopfront Grant Scheme

This funding opportunity was now open and available to independent retailers and food outlets to improve shopfronts. Local businesses had been contacted and there had been a significant level of interest in the scheme. It was explained that this initiative was funded through the Business Rates Retention Pilot Scheme and an earlier scheme based around town centres had been well received, with 19 business owners assisted.

As with the previous scheme Action with Communities in Rural Kent would be engaged to offer hands-on support to business owners.

All parishes were encouraged to promote the scheme with independent retailers and food outlets.

The meeting ended at 9.30 pm

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1. Is there a standard process for Parish Councils to request the LPA to assess an application for an Article 4 Direction in their Parish? If so where can this be found?

There is no standard process a Parish Council needs to follow in order to request that the LPA assesses whether the serving of an Article 4 Direction is justified. Parish Councils are advised that should they consider such consideration necessary, they make contact with the Planning Department via planning.applications@tmbc.gov.uk , setting out clearly what permitted development rights should be removed and why they think such action is justified in the circumstances, having regard to national guidance in this respect - <https://www.gov.uk/guidance/when-is-permission-required#What-are-permitted-development-rights>

2. Who can make a request for an Article 4 Direction?

Anyone can make a request for consideration for as to whether an Article 4 Direction might be made but this should always be within the context of clear supporting evidence in order for the LPA to give full consideration to such a request. Such requests should always be based on clear and sound planning reasons.

3. Does this request need to be made or supported by a Borough Councillor?

There is no requirement for such a request to be supported by a Borough Councillor in order for a request to be considered but in the event that such requests are subject to such support, it would be helpful to be advised of that at the time the request is made.

4. Does the request have to be heard by an area planning committee, or does a request have to be made by a Borough Councillor for this to be heard by and decided by the LPA Planning committee?

The Council's Constitution does not require these to be reported to an area planning committee, the authority to issue such directions being delegated to the Director of Central Services.

In some circumstances it is necessary to determine whether to make a Direction at short notice – where we receive information of a likely development taking place imminently that would be prejudicial to the proper planning of an area. The process is therefore delegated to officers in order to ensure that any Direction deemed necessary can be made without delay.

5. To whom should the request for a Direction made under article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“GPDO”) be made?

As set out above, requests are most appropriately made to the planning.applications@tmbc.gov.uk email address which will ensure officers receive them and give them due consideration.

6. On what basis can a LPA refuse to consider an application for an Article 4 Direction?

If a request is made to consider whether an Article 4 Direction should be served, provided it is supported by any relevant justification, the LPA will *consider* whether such a Direction is justified. It will then make a judgement based on all available evidence as to whether such a Direction should be made.

7. Is the following information sufficient for an application to be considered:

- a. Description of the request for Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“GPDO”).**
- b. Need and identified threats.**
- c. Justification for the Article 4(1) Direction**
 - **Description of the area to which the Direction relates:**
 - **Historical significance:**
 - **Landscape character:**
- d. The Defined Area of the proposed Article 4(1) Direction.**
- e. The effect of the Direction.**

The identified information above is sufficient to enable the LPA to consider whether a Direction is justified. Should any further information be required, the LPA will liaise with the person/organisation who made the request.

[The above information is given in response to specific questions raised. More generally, the LPA would make clear that *consideration* of requests by a Parish Council or any other individual or organisation will be given but this does not necessarily mean that a decision will be made to serve such a Direction. Permitted developments rights are a grant of planning permission by Parliament and removal of such rights must be clearly justified in light of adopted and prevailing policy alongside other relevant material considerations. Clear evidence of planning harm derived from the implementation of those rights must be found before such rights will be removed. Similarly, removal of such rights does not mean that the development subject to the Direction can never take place but rather its impacts must be considered within the context of a formal application to the Borough Council. That application will then be determined in accordance with the provisions of the Constitution; the fact that permitted development rights have been removed is not, in and of itself, any justification or trigger for the application being reported to the relevant Area Planning Committee. Any call in requests made by Ward Councillors would still need to be justified by clear planning grounds, within the requisite time period and with the agreement of the Director in liaison with the Chair. Any requests made solely on the presence of an Article 4 Direction will not be considered to be justified planning grounds]

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