

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

9 March 2020

To: MEMBERS OF THE CABINET
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Cabinet to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 17th March, 2020 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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| 1. | Apologies for absence | 5 - 6 |
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3. Minutes 9 - 20

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 13 February 2020

4. Matters Referred from Advisory Boards 21 - 40

The notes of meetings of Advisory Boards are attached, any recommendations identified by an arrow being for determination by the Cabinet. Notices relating to any decisions already taken by Cabinet Members under the arrangements for delegated decision making have previously been circulated.

5. Matters Referred from Advisory Panels and Other Groups 41 - 52

The minutes of meetings of Advisory Panels and Other Groups are attached, any recommendations being identified by an arrow.

Executive Key Decisions

6. Future Gas and Electricity Supply Contracts 53 - 56

The report recommends that the Council enters into a new four year flexible procurement arrangement with LASER for the supply of gas and electricity, based on the financial savings made under the current and previous flexible procurement contracts in place since 1 October 2008 and the energy procurement expertise available from LASER.

7. Review of Car Parking Fees and Charges 57 - 62

The report seeks approval of recommendations for off-street car parking charges recently considered at the meeting of the Street Scene & Environment Services Advisory Board on 5 March 2020. The recommendations generate additional income which has an impact on the MTFS.

8. On Street Parking Fees and Charges 63 - 66

The report seeks approval of recommendations for On Street Parking Fees & Charges to be considered at the meeting of the Joint Transportation Board on 9 March 2020. The recommendations generate additional income and therefore have an impact on the MTFS.

Executive Non-Key Decisions

9. Review of Community Safety 67 - 74

Further to the review of Community Safety undertaken by the Overview and Scrutiny Committee, the report sets out the responses of the Police and Crime Commissioner and Clarion Housing regarding their level of financial contribution towards both the operation of CCTV and the Community Safety Unit.

10. Development Management - Processes and Procedures 75 - 84
Item PE 20/4 referred from Planning and Transportation Advisory Board minutes of 3 March 2020
11. Proposed Revision to the Joint Transportation Board Agreement 85 - 96
Item PE 20/5 referred from Planning and Transportation Advisory Board minutes of 3 March 2020
12. Urgent Items 97 - 98
Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

13. Exclusion of Press and Public 99 - 100
The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

Executive Non-Key Decisions

14. Debts for Write Off 101 - 104
LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information about an individual
Approval is sought for the writing-off of debts that are considered to be irrecoverable.
15. Urgent Items 105 - 106
Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Councillor N J Heslop, (Leader) and (Economic Regeneration)
Councillor R P Betts, (Street Scene and Environment Services)
Councillor M A Coffin, (Finance, Innovation and Property)
Councillor D Lettington, (Strategic Planning and Infrastructure)
Councillor P J Montague, (Housing)
Councillor M R Rhodes, (Community Services)

Members of the Council who are not members of the executive may attend meetings of the Cabinet. With the agreement of the Leader, any such Member may address the Cabinet on any item on the agenda but may not vote.

Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Thursday, 13th February, 2020

Present: Cllr N J Heslop (Chairman), Cllr R P Betts, Cllr M A Coffin, Cllr D Lettington, Cllr P J Montague and Cllr M R Rhodes

Councillors M C Base, A E Clark, N Foyle, Mrs A S Oakley, W E Palmer and J L Sergison were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 20/4 DECLARATIONS OF INTEREST

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

CB 20/5 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 16 October 2019 be approved as a correct record and signed by the Chairman.

CB 20/6 MINUTES OF EXTRAORDINARY MEETING


RESOLVED: That the Minutes of the extraordinary meeting of the Cabinet held on 6 January 2020 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 20/7 RISK MANAGEMENT

The report of the Management Team invited Members to review the Risk Management Strategy and accompanying Risk Management Guidance which set out the Council's risk management objectives and detailed the roles and responsibilities of officers, Members and partners in the identification, evaluation and cost-effective control of risks. The report also provided an update on the risk management process and the Strategic Risk Register. Members noted that the entry in relation to the Waste Contract had been escalated to 'high risk' following the performance issues since 30 September when the new recycling arrangements were rolled out.

It was noted that the Audit Committee at its meeting on 20 January 2020 had endorsed the strategy and commended it for adoption by the Council.

RECOMMENDED: That the Risk Management Strategy and accompanying Risk Management Guidance be adopted by the Council. 
***Referred to Council**

CB 20/8 TREASURY MANAGEMENT UPDATE AND ANNUAL INVESTMENT STRATEGY 2020/21

The report of the Director of Finance and Transformation provided details of investments undertaken and return achieved in the first nine months of the current financial year and an introduction to the 2020/21 Treasury Management and Annual Investment Strategy. Members were invited to recommend adoption of the Strategy by the Council.

It was noted that the Audit Committee at its meeting on 20 January 2020 had reviewed and endorsed the matters covered by the report.

The Cabinet acknowledged the work of officers involved in the Council's treasury management.

RECOMMENDED: That 

- (1) the treasury management position as at 31 December 2019 and the higher level of income incorporated in the 2019/20 revised estimates be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2020/21, as set out at Annex 5 to the report, be adopted.

***Referred to Council**

CB 20/9 SETTING THE BUDGET FOR 2020/21

Further to the reports to the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee earlier in the cycle, the joint report of the Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance, Innovation and Property updated the Cabinet on issues relating to the Medium Term Financial Strategy (MTFS) and gave details of the necessary procedure to be followed in order to set the budget for 2020/21.

Members noted that all figures contained in the report were based on the provisional local government financial settlement received in December 2019. Although the final settlement figures had been notified to local authorities by the Ministry of Housing, Communities and Local Government, a debate and vote regarding the final financial settlement had been deferred by Government until after the Parliamentary recess. It was noted that the final settlement figures for Tonbridge and Malling

Borough Council were the same as the provisional settlement figures. As the full Council meeting to set the council tax for 2020/21 was due to take place on 18 February, before the reconvening of Parliament, the Director of Finance and Transformation advised that there was a very small risk that the approved final settlement figures might differ from those included in the report.

It was also noted that the settlement figures included funding in 2020/21 for "Negative RSG" and funding for New Homes Bonus remained for 2020/21 although its long term future was uncertain. The Cabinet was also reminded that the Fair Funding Review had been delayed and a consultation was now expected in the Spring 2020.

Attention was drawn to recommendations from Advisory Boards and the decision of the Licensing and Appeals Committee regarding the levels of fees and charges to be implemented from 1 April 2020 which had been incorporated in the draft Estimates. Particular reference was made to the recommendation of the Finance, Innovation and Property Advisory Board that the budget for Borough Christmas Lighting be capped at £40,000.

The report then described the remaining procedure to be followed in setting the budget for 2020/21 and calculating the council tax. For the purposes of updating the MTFs a council tax increase of £5 in 2020/21 had been assumed and for each year thereafter.

The Cabinet deliberated on the most appropriate guidance to offer the Council as to the way forward for updating the MTFs for the next ten year period and setting the council tax for 2020/21. Members were advised of details of special expenses for the same period.

An updated copy of the Savings and Transformation Strategy was presented, including revised outline targets and timescales to be revisited and aligned with the latest projected "funding gap". Members were also reminded that the funding gap set out in the report assumed that all the recommendations made by Advisory Boards and Committees, such as the transfer of public conveniences to parish councils, were delivered. If for whatever reason these were found not to be deliverable, the funding gap and therefore the savings and transformation target would increase.

Finally, the Director of Finance and Transformation explained the basis on which the statement as to the Robustness of the Estimates and Adequacy of the Reserves had been made, including an understanding that the required savings and transformation contributions based on latest projections of £320,000 would be delivered.

RECOMMENDED: That 

- (1) the budget for Borough Christmas Lighting be capped at £40,000 be endorsed;
- (2) the fees and charges set out in Annex 2 to the report, as recommended by the appropriate Advisory Boards, be endorsed (see Decision Nos D200009CAB to D200015CAB) other than item SSE 19/25 (Review of Car Parking Fees and Charges) which had been endorsed at the extraordinary meeting on 6 January (D200001CAB);
- (3) the Capital Plan be updated as set out in paragraph 1.6.15 to the report and adopted accordingly;
- (4) the Capital Strategy as presented to the Finance, Innovation and Property Advisory Board on 8 January and the Overview and Scrutiny Committee on 15 January 2020 be endorsed and adopted by the Council;
- (5) the prudential indicators listed in paragraphs 1.7.7 and 1.7.12 of the report be endorsed and adopted;
- (6) for the financial year 2020/21 the Council's Minimum Revenue Provision, as set out at paragraph 1.7.15 of the report, be noted as nil;
- (7) subject to review each year, the maximum 'annual capital allowance' be increased from £200,000 to £250,000;
- (8) a Budget Stabilisation reserve be established in the sum of £3,500,000 to manage risk, assist in meeting future savings and transformation contributions and/or fund in full or in part an appropriate commercial investment opportunity as detailed at paragraph 1.9.10 of the report;
- (9) the updated Medium Term Financial Strategy, as set out at Annex 11a to the report, be noted and endorsed;
- (10) the Council be recommended to approve a council tax increase of £5 per annum at Band D as the best way forward in updating the Medium Term Financial Strategy for the next ten-year period and setting the council tax for 2020/21;
- (11) the updated Savings and Transformation Strategy detailed at Annex 11c to the report, including the proposed scale and timing of each of the required savings and transformation contributions set out at paragraph 1.10.6 of the report, be noted and endorsed;

- (12) the special expenses calculated in accordance with the Special Expenses Scheme set out in Annex 14b to the report be endorsed;
- (13) the Statement provided by the Director of Finance and Transformation as to the Robustness of the Estimates and the Adequacy of the Reserves be noted and endorsed; and
- (14) the requirements of the CIPFA FM Code be noted and compliance demonstrated by way of a self-assessment to be reported to a future meeting of the Finance, Innovation and Property Advisory Board, and the outcome of the review of the CIPFA Financial Resilience Index.

***Referred to Council**

CB 20/10 SETTING THE COUNCIL TAX 2020/21

The joint report of the Chief Executive, Director of Finance and Transformation, Leader of the Council and Cabinet Member for Finance, Innovation and Property set out the requirements under the Local Government Finance Act 1992 for a billing authority to set an amount of council tax for each category of dwelling in its area. Members were advised of the position concerning the determination of their respective precepts for 2020/21 by the major precepting authorities.

Consideration was given to a draft resolution identifying the processes to be undertaken in arriving at the levels of council tax applicable to each part of the Borough to which any charges under the special expenses scheme would be added. The resolution and further information regarding the precepts of the other authorities would be reported to the full Council on 18 February 2020.

RECOMMENDED: That the resolution be noted and the Council be recommended to approve a £5 per annum increase (or 2.4%) at Band D in the Borough Council's element of the council tax for 2020/21, representing a notional 'average' charge at Band D of £214.50.

***Referred to Council**

CB 20/11 REVIEW OF PUBLIC HEALTH

Item OS 20/3 referred from Overview and Scrutiny Committee minutes of 15 January 2020.

The Cabinet received the recommendations of the Overview and Scrutiny Committee regarding the review of the Public Health Function and noted the concerns raised regarding the level of funding contribution for the One You Service.

RECOMMENDED: That 

- (1) a formal request for an increased contribution to cover management costs to enable delivery of the One You Service on a cost neutral basis be submitted to Kent County Council; and
- (2) a further review of the Public Health Function be undertaken by the Overview and Scrutiny Committee to take account of the responses regarding funding contributions.

***Referred to Council**

CB 20/12 REVIEW OF DISABLED FACILITIES GRANTS

Item OS 20/4 referred from Overview and Scrutiny Committee minutes of 15 January 2020

The Cabinet received the recommendations of the Overview and Scrutiny Committee regarding the future provision of the Disabled Facilities Grant programme and Better Care initiatives within Tonbridge and Malling and noted the funding concerns expressed by the Overview and Scrutiny Committee regarding the hospital discharge service.

RECOMMENDED: That 


- (1) a decision regarding the future provision of the Disabled Facilities Grant Programme and Better Care initiatives within Tonbridge and Malling be deferred to enable:
 - the Maidstone and Tunbridge Wells NHS Trust to respond to the formal request for a funding contribution towards the hospital discharge service; and
 - the impact of the options for the OT Service within Tonbridge and Malling Borough Council, presented at the Overview and Scrutiny Committee by Kent County Council, to be further explored.
- (2) a report addressing these issues in more detail to be presented to a future meeting of the Overview and Scrutiny Committee for consideration.

***Referred to Council**

CB 20/13 CORPORATE STRATEGY 2020-2023

Item OS 20/5 referred from Overview and Scrutiny Committee minutes of 15 January 2020

The Cabinet received the recommendations of the Overview and Scrutiny Committee regarding a revised Corporate Strategy for the period 2020-2023.

RECOMMENDED: That the updated Corporate Strategy 2020-2023 be approved, subject to the following amendment: 

- The second theme under 'Our Values and Priorities' be amended to read 'Embracing Effective Partnership Working and Funding'.

***Referred to Council**

CB 20/14 CLASS C EMPTY PROPERTY COUNCIL TAX DISCOUNT AND LONG TERM EMPTY HOMES PREMIUM

Item FIP 20/6 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board regarding the removal of the Class C empty property discount and increases to the Council Tax long term empty homes premium from 1 April 2020 and April 2021 as allowed by regulations.

RECOMMENDED: That 

- (1) the change to the Class C discount be continued from 1 April 2020; and
- (2) the long term empty homes premium of 200% be applied from 1 April 2020 and 300% be applied from 1 April 2021.


***Referred to Council**

CB 20/15 LOCAL COUNCIL TAX REDUCTION SCHEME 2020/21

Item FIP 20/7 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board regarding the consultation on the Council's Local Council Tax Reduction Scheme and reviewed the changes proposed to the Scheme from 1 April 2020.

However, as a result of increases to the Minimum Wage, state benefits and Tax Credits recently announced by Government, the Cabinet was advised that it was necessary to amend the income bands within the banded discount table previously reported to the Advisory Board. This would avoid losses for households and redress the original objectives of the review of fairness, simplification and to remain cost neutral. The revised table was attached as Annex 1 to the supplementary report of the Director of Finance and Transformation. Members were informed that a Scheme had been prepared and could be viewed at: <https://www.tmbc.gov.uk/services/advice-and-benefits/council-tax/council-tax-reduction-scheme>

RECOMMENDED: That the proposed changes set out below be written into the Tonbridge and Malling Borough Council Local Council Tax Reduction Scheme 2020/21: 

(1) Proposed change 1 – Paragraph 1.5.1 of the report

- To stop posting decision letters to working age LCTRS claimants
- To stop posting decision letters to pension age LCTRS claimants
- To introduce online applications as the primary method to make a claim for LCTRS for pension and working age claimants
(Subject to paper forms being available on an exception basis);

(2) Proposed change 2 – Paragraph 1.5.7

- To introduce a minimum income floor for self-employed income after one year of making a new claim or starting a business, at a rate of 35 hours per week x national minimum wage;

(3) Proposed change 3 – Paragraph 1.5.14


- To introduce a banded discount scheme utilising thresholds as set out in Annex 1 to the supplementary report of the Director of Finance and Transformation.

***Referred to Council**

CB 20/16 ASSET MANAGEMENT PLAN

Item FIP 20/8 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board regarding a proposed Asset Management Plan 2020-2024 which set out the Borough Council's approach to managing land and property assets to ensure effective and efficient use and contributed to the delivery of services to residents.

RECOMMENDED: That the Asset Management Plan 2020-2024, set out in Annex 1 to the report, be approved. 

***Referred to Council**

CB 20/17 REVENUE ESTIMATES 2020/21

Item FIP 20/9 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 8 January 2020 in relation to the formulation of initial draft proposals in respect of the Budget. All budgetary matters were considered in detail in the substantive item on Setting the Budget 2020/21.

CB 20/18 CAPITAL PLAN REVIEW 2019/20

Item FIP 20/10 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 8 January 2020 in relation to the initial stage of the Capital Plan review process. All budgetary matters were considered in detail in the substantive item on Setting the Budget 2020/21.

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE DECISIONS)

CB 20/19 REVIEW OF FEES AND CHARGES

Decision Notice D200009CAB

CB 20/20 REVIEW OF CEMETERY CHARGES 2020/21

Decision Notice D200010CAB

CB 20/21 REVIEW OF HOUSE IN MULTIPLE OCCUPATION AND CARAVAN SITE LICENSING FEES 2020/21

Decision Notice D200011CAB

CB 20/22 REVIEW OF PLANNING APPLICATION CHARGING REGIME

Decision Notice D200012CAB

CB 20/23 REVIEW OF FEES AND CHARGES 2020/21

Decision Notice D200013CAB

CB 20/24 TONBRIDGE CASTLE - REVIEW OF FEES AND CHARGES

Decision Notice D200014CAB

CB 20/25 REVIEW OF BUILDING CONTROL PARTNERSHIP FEES FOR 2020/21

Decision Notice D200015CAB

CB 20/26 PROVISION OF PUBLIC CONVENIENCES

Decision Notice D200016CAB

CB 20/27 PROVISION AND OPERATION OF BUS SHELTERS

Decision Notice D200017CAB

CB 20/28 UPDATE ON PUBLIC SPACE PROTECTION ORDER

Decision Notice D200018CAB

MATTERS SUBMITTED FOR INFORMATION**CB 20/29 MATTERS REFERRED FROM ADVISORY BOARDS**

The notes of the meetings of the following Advisory Boards were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Street Scene and Environment Services Advisory Board of 30 October 2019

Economic Regeneration Advisory Board of 5 November 2019

Communities and Housing Advisory Board of 12 November 2019

Planning and Transportation Advisory Board of 13 November 2019

Finance, Innovation and Property Advisory Board of 8 January 2020

Members were advised that the notes of the Street Scene and Environment Services Advisory Board of 11 February, previously marked to follow, would be presented at the Cabinet meeting on 17 March 2020.

RESOLVED: That the report be received and noted.

CB 20/30 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS

The Minutes of the meetings of the following Advisory Panels and other Groups were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Parish Partnership Panel of 14 November 2019

Joint Transportation Board of 18 November 2019

Parish Partnership Panel of 6 February 2020

RESOLVED: That the report be received and noted.

CB 20/31 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.40 pm

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Agenda Item 4

The notes of meetings of Advisory Boards are attached, any recommendations identified by an arrow being for determination by the Cabinet. Notices relating to any decisions already taken by Cabinet Members under the arrangements for delegated decision making have previously been circulated.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

STREET SCENE AND ENVIRONMENT SERVICES ADVISORY BOARD

Tuesday, 11th February, 2020

Present: Cllr M O Davis (Chairman), Cllr Mrs S Bell (Vice-Chairman), Cllr G C Bridge, Cllr D J Cooper, Cllr D A S Davis, Cllr M A J Hood, Cllr F A Hoskins, Cllr A P J Keeley, Cllr D Keers, Cllr R V Roud, Cllr J L Sergison, Cllr T B Shaw and Cllr Miss G E Thomas

Councillors Mrs J A Anderson, Mrs P A Bates, R P Betts, M D Boughton, V M C Branson, A E Clark, N J Heslop, P M Hickmott, D W King, K King, D Lettington, B J Luker, Mrs A S Oakley, M R Rhodes and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor Mrs C B Langridge

PART 1 - PUBLIC

SSE 20/1 DECLARATIONS OF INTEREST

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

SSE 20/2 MINUTES

RESOLVED: That the notes of the meeting of the Street Scene and Environment Services Advisory Board held on 30 October 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

SSE 20/3 WASTE SERVICES CONTRACT

Decision Notice D200007MEM

The report of the Director of Street Scene, Leisure and Technical Services provided an update on progress with the Waste Services Contract following the introduction of opportunities for new and improved recycling services on 30 September 2019. The report outlined progress against the key aims of the new service and actions taken by the Council and Urbaser to address outstanding contract performance issues.

RECOMMENDED: That

- (1) achievement of the new service to date against the stated improvement aims be noted;
- (2) actions taken by both Urbaser and the Council to improve contract performance be noted and the outcomes of the Contract Action Plan be closely monitored;
- (3) the roll-out of new services to Flats and the Communal Bin Stores and the subsequent reduction in bring bank sites be delayed until the collection arrangements are delivered in accordance with the contract requirements; and
- (4) detailed performance information be reported to future meetings of the Street Scene and Environment Services Advisory Board.

SSE 20/4 DRAFT CLIMATE CHANGE STRATEGY

Decision Notice D200008MEM

Further to the Motion adopted by full Council in July 2019 to develop a strategy to support the aspiration for Tonbridge and Malling to be carbon neutral by 2030 the report of the Chief Executive set out, at Annexes 1 and 2, an initial draft Climate Change Strategy and a draft Climate Change Action Plan. It was noted that the draft strategy set out the Council's commitment to local action on climate change, biodiversity protection and enhancement and an approach to partnership working.

It was acknowledged that the strategy would evolve over time and noted that consultation with the community, key partners and stakeholders and interested groups would be undertaken between the end of February and end April 2020 with the responses to the consultation reported to the meeting of the Advisory Board to be held on 9 June 2020. It was further noted that the evolution and delivery of the Climate Change Strategy and Action Plan would encompass a number of services across the Authority with individual work streams undertaken by the appropriate board or committee.

RECOMMENDED: That

- (1) the initial Draft Climate Change Strategy and Action Plan, as set out at Annexes 1 and 2 to the report, be endorsed for consultation purposes; and
- (2) the financial and value for money considerations, as set out at paragraph 1.3 of the report, be noted.

SSE 20/5 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.38 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

COMMUNITIES AND HOUSING ADVISORY BOARD

Tuesday, 25th February, 2020

Present: Cllr J L Botten (Chairman), Cllr Mrs J A Anderson, Cllr R W Dalton, Cllr N Foyle, Cllr P M Hickmott, Cllr F A Hoskins, Cllr S A Hudson, Cllr Mrs R F Lettington, Cllr L J O'Toole, Cllr W E Palmer and Cllr Mrs M Tatton

Councillors Mrs P A Bates, M A Coffin, N J Heslop, M A J Hood, D Lettington, P J Montague, Mrs A S Oakley and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

Mr A Nicholl (Tonbridge Sports Association) was also present.

Apologies for absence were received from Councillors Mrs S Bell, K King and Miss G E Thomas

PART 1 - PUBLIC

CH 20/1 DECLARATIONS OF INTEREST

Councillor Mrs Tatton declared an Other Significant Interest in the item on Community Development Update on the grounds that she was a trustee of the East Malling Centre which received funding. She withdrew from the meeting during its consideration. In respect of the same item, in the interests of transparency, Councillor Mrs Oakley advised that she was a member of East Malling and Larkfield Parish Council and Councillor Mrs Bates that she was Chair of the Trench Community Foundation.

Also in the interests of transparency, Councillor Heslop advised in respect of any housing matters that he was a member of the Board of The Bridge Trust and with reference to the item on Basted Mill Public Open Space, Councillor Palmer indicated that she was Chair of Platt Parish Council.

CH 20/2 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Housing Advisory Board held on 12 November 2019 be approved as a correct record and signed by the Chairman.

CH 20/3 PRESENTATION: MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST

The Advisory Board received a presentation from Mr Miles Scott, Chief Executive of Maidstone and Tunbridge Wells NHS Trust and his

colleague Mr John Weeks, providing an update on matters concerning the Trust. Particular reference was made to a number of topical matters including the coronavirus, operational performance, stroke services, staffing and recruitment and car parking provision at the hospitals.

After answering questions from Members on those issues, together with access to mental health services, the need for joined up services across agencies and funding for schemes such as the Better Care Fund and Disabled Facilities Grants, the Chairman thanked Messrs Scott and Weeks for their contribution to the meeting.

MATTERS FOR RECOMMENDATION TO THE CABINET

CH 20/4 HOUSING STRATEGY PROJECT PLAN

Decision Notice D200019MEM

The report of the Director of Planning, Housing and Environmental Health gave details of a proposal for the Council to have a Housing Strategy outlining its priorities and strategic approach to housing delivery in the Borough. Consideration was given to the approval of a project plan for the development of the Housing Strategy.

A number of suggestions were made regarding the scope of the strategy, its ambitions and supporting policies. Officers undertook to report back at the research and drafting stage of the project plan.

RECOMMENDED: That the Housing Strategy Project Plan set out at Annex 1 to the report be approved.

CH 20/5 LOCAL LETTINGS POLICIES

Decision Notice D200020MEM

The report of the Director of Planning, Housing and Environmental Health provided information on the current approach to using Local Lettings Policies (LLPs) for affordable housing in partnership with Registered Providers, clarified the use of such LLPs in the future and proposed a pro-forma document for adoption for all new housing developments in the Borough.

RECOMMENDED: That

- (1) the current approach to using Local Lettings Policies be noted and the following priorities for using LLPs be agreed:
 - (a) local connection to the area in which the development is located using housing sub-market areas;

- (b) an aim for 50% of lettings to be to economically active households; and
- (2) the pro-forma Local Lettings Policy set out at Annex 1 to the report be approved subject to amendment of section C to clarify the definition of economically active households.

CH 20/6 PRIVATE SECTOR HOUSING CIVIL PENALTIES POLICY

Decision Notice D200021MEM

The report of the Director of Planning, Housing and Environmental Health recommended the implementation of a private sector housing financial (civil) penalties policy under the Housing Act 2004 and Housing and Planning Act 2016. This would enable the Council to adopt an alternative approach to prosecution of a private landlord or agent for certain housing offences or breaches of a banning order. It was noted that implementation of financial penalties would allow the Council to re-use the income to self-finance some of its future targeted enforcement activity.

RECOMMENDED: That

- (1) the Private Sector Housing Financial Civil Penalties Policy set out at Annex 1 to the report be endorsed; and
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Housing, to approve amendments to the policy to reflect any changes to the law affecting the enforcement of civil penalties under the Housing Act 2004, the Housing and Planning Act 2016 or other relevant legislation.

CH 20/7 KEY VOLUNTARY SECTOR BODIES - REVIEW OF CORE GRANT SUPPORT

Decision Notice D200022MEM

The report of the Chief Executive gave details of summaries of progress achieved against the objectives set out in the Service Level Agreements (SLAs) with a number of key voluntary sector bodies at the end of the existing one year term. It was noted that each organisation had been consulted to establish the implications for service delivery if a reduction were applied to their grant which would enable the SLA to be extended for a suggested four year term, thus providing increased security and stability.

A summary was presented of the responses received from each grant recipient and future options considered.

RECOMMENDED: That

- (1) based on the good progress by all voluntary bodies and the vital support provided to residents, grant funding be continued for each organisation in line with Service Level Agreements;
- (2) based on the positive responses received regarding the suggested longer term settlement of four years and the level of difficulty highlighted with any reduction to grant, the following be agreed:
 - (a) the grants to Citizens Advice North and West Kent (CANWK) and Age UK Sevenoaks and Tonbridge be maintained at existing levels for a one year term and a more detailed review be undertaken via the Overview and Scrutiny Committee to fully explore options for the future; and
 - (b) in respect of Imago, Involve and Maidstone and West Kent Mediation Schemes, each organisation be offered a choice as follows:
 - set grants at the reduced rate for a fixed four year settlement, OR
 - maintain the grant at existing levels for a one year term and undertake a more detailed review via the Overview and Scrutiny Committee to fully explore options for the future.

CH 20/8 COMMUNITY DEVELOPMENT UPDATE

Decision Notice D200023MEM

The report of the Chief Executive provided an update on community development work taking place in the Borough's three priority communities of Trench, East Malling and Snodland. Consideration was given to the continuation of support for 2020/21 in accordance with budgetary provision.

RECOMMENDED: That the Council continue to support Community Development Partnerships in each of the priority communities.

CH 20/9 BASTED MILL PUBLIC OPEN SPACE

Decision Notice D200024MEM

The report of the Director of Street Scene, Leisure and Technical Services provided an update on the current and proposed future management arrangements for Basted Mill Public Open Space, Borough

Green following formal notification of resignation from the existing Joint Management Committee by the three participating parish councils.

The work of the parish councils and volunteers over the years in the management and maintenance of the Public Open Space was acknowledged.

RECOMMENDED: That

- (1) the resignation of Plaxtol, Platt and Borough Green Parish Councils from the Basted Mill Public Open Space Joint Committee be noted;
- (2) the Basted Mill Public Open Space Joint Committee be “wound up” on 1 April 2021 and the management and maintenance of the site be undertaken solely by the Borough Council;
- (3) the current contribution made by the Borough Council to the Joint Committee be transferred in full to a revenue budget for the future maintenance of the site; and
- (4) any residual funding from the Joint Committee be transferred to the Borough Council on 1 April 2021 in accordance with the adopted Constitution and ring-fenced in a designated “Reserve” to be solely used for the future management and maintenance of Basted Mill Public Open Space.

[In accordance with Council and Committee Procedure Rule No 8.6, Councillor Palmer requested that her vote against the motion be recorded.]

MATTERS SUBMITTED FOR INFORMATION

CH 20/10 LEISURE TRUST UPDATE

The report reviewed the recent performance of the Tonbridge and Malling Leisure Trust and provided an update on progress of the major capital plan scheme for Larkfield Leisure Centre.

MATTERS FOR CONSIDERATION IN PRIVATE

CH 20/11 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.26 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PLANNING AND TRANSPORTATION ADVISORY BOARD

Tuesday, 3rd March, 2020

Present: Cllr R W Dalton (Chairman), Cllr J L Botten (Vice-Chairman), Cllr T Bishop, Cllr M D Boughton, Cllr V M C Branson, Cllr D J Cooper, Cllr D A S Davis, Cllr M O Davis, Cllr S A Hudson, Cllr D Keers, Cllr D W King, Cllr H S Rogers, Cllr N G Stapleton, Cllr M Taylor and Cllr D Thornevell.

Councillors Mrs J A Anderson, M A Coffin, N J Heslop, M A J Hood, F A Hoskins, Mrs F A Kemp, D Lettington, Mrs R F Lettington, B J Luker, Mrs A S Oakley, M R Rhodes, R V Roud, J L Sergison and Mrs M Tatton were also present pursuant to Council Procedure Rule No 15.21.

PE 20/1 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in the agenda item relating to the Local Plan on the grounds of his status as a partner of Warner's Solicitors. In accordance with the dispensation granted at Minute GP 19/13 ([General Purposes Committee of 19 June 2019](#)) he remained in the meeting and addressed the Advisory Board but took no further part in the discussion.

PE 20/2 MINUTES

RESOLVED: That the notes of the meeting of the Planning and Transportation Advisory Board held on 13 November 2020 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

PE 20/3 LOCAL PLAN UPDATE AND TIMETABLE

(Decision Notice D200025MEM)

The report provided an update on the progress of the Local Plan since November 2019 and considered the next stages in the process. A revised timetable was recommended for approval. Progress in neighbouring authorities was also reviewed.

Members were advised that the first phase of Local Plan Hearings were scheduled for 19-21 May at the Orchards Conference Venue at East Malling Research Centre. Since the publication of the agenda, additional dates of 24-25 June had also been arranged. It was explained that discussions at these Hearings would be guided by

'Matters, Issues and Questions' raised by the Planning Inspectors. These had recently been received and the Borough Council had until 9 April to submit statements.

In addition, Members were informed that the Borough Council had been appointed a new Lead Planning Inspector. It had been confirmed that the change of Inspector would not affect the Hearing dates. Members noted that the new Lead Local Plan Inspector was Louise Crosby and not Susan Crosby as stated in the report.

The revised timetable, set out in Annex 1 to the report, allowed a reasonable estimate of time for each of the remaining key stages of the Local Plan process but this remained subject to confirmation.

Members welcomed the recent acceleration in progress but expressed frustration at the length of time taken between the Local Plan being submitted and the Hearings being scheduled.

RECOMMENDED: That:

- (1) the content of the report be noted; and
- (2) the revised Local Plan timetable, set out in Annex 1 to the report, be endorsed.

PE 20/4 DEVELOPMENT MANAGEMENT - PROCESSES AND PROCEDURES

Following feedback from consultees and stakeholders on engagement processes the report provided an update on Development Management with a view to ensuring parity and improving efficiency and effectiveness. If approved, the proposals could result in savings to support the Borough Council's Medium Term Financial Strategy, support the Borough Council's commitment to the Climate Change and Digital Strategies and create service efficiencies that enabled planning applications and decisions to be dealt with in a timely way.

Members recognised the value in reviewing internal working practices to ensure that the development management function was delivered efficiently for the benefit of residents and applicants. In particular, Members welcomed the proposals around notification deadlines, validation dates and the use of 'List B' to trigger the commencement of the 21 day notification period. Members also supported the principle of stricter measures being in place to reduce last minute amendments to planning applications


However, concern was expressed that the proposals represented a significant challenge for parish councils, who would have to adapt their current practices to adopt the changes. To support parishes through this

process Planning Officers would actively engage with parish councils (and other interested parties) to understand the issues and concerns around the proposals and to identify potential digital solutions. It was not the Borough Council's intention to prevent anyone from engaging in the planning process.

It was also intended to hold a number of training sessions, working in partnership with the Kent Association of Local Councils (KALC) and the Parish Partnership Panel to support parish councils in using digital tools such as the Public Access portal and My Account to keep informed of planning applications in their area. There would be a transition period from 1 June 2020, during which the approach would be tested and there would be discussions between planning officers and parish councils to identify any issues.

Finally, reference was made to late representations and the need to retain flexibility around any information received to ensure that fundamental matters were addressed when considering a planning application.

Members discussed the proposals in detail and Officers responded to concerns, comments and questions raised.

RECOMMENDED: That the proposed changes to process, set out in the report and detailed below, be agreed: 

- (1) from 1 September 2020, the Borough Council will not accept representations on applications received after the relevant 21 day period from any party not included in the statutory (technical) consultees definition (as set out in paragraph 1.2.9 of the report). It would, however, be recognised that there could be exceptions to this where fundamental matters were raised outside the period, which could leave the authority open to legal challenge or raised new material considerations.
- (2) from 1 September 2020, the Borough Council will notify Parishes via the weekly List B and they will have 21 days from then within which to make representations (as set out in paragraph 1.2.12 of the report) and therefore the provision of hard copies of planning applications to Parish Councils will cease and they will be required to view relevant papers online (as set out in paragraph 1.2.12 of the report);
- (3) the savings derived from changes to how Parish Councils will be notified will contribute to both the Savings and Transformation Strategy and the Medium Term Financial Strategy (as set out in paragraph 1.2.14 of the report);

- (4) from 1 September 2020, amendments to planning applications will not be accepted, other than where the changes sought were considered to be 'de-minimis', correct errors or discrepancies identified by officers or where a Planning Performance Agreement was in place that provided for such amendments to be negotiated between the parties (as set out in paragraph 1.3.7 of the report); and
- (5) progress on the proposals will be updated at the meeting of the Planning and Transportation Advisory Board scheduled for 28 July 2020.

***Referred to Cabinet**

PE 20/5 PROPOSED REVISION TO THE JOINT TRANSPORTATION BOARD AGREEMENT

The report of the Director of Street Scene, Leisure and Technical Services presented a revised Joint Transportation Board Agreement between the Borough Council and Kent County Council for consideration. There were no financial implications related to the proposal and therefore no impact on the Medium Term Financial Strategy.

A copy of the revised Agreement (attached at Annex 2 of the report) incorporated an amendment to paragraph 2.2 of the First Schedule agreed at the meeting of the Joint Transportation Board held on 23 September 2019, stating that Parish/Town Council representative(s) nominated by the Area Committee of the Kent Association of Local Councils (KALC) would be able to speak on any item on the agenda. It was confirmed that Parish/Town Council representatives would not have voting rights as part of this amendment.

RECOMMENDED: That the revised Joint Transportation Board Agreement (attached at Annex 2 of the report) be approved. ◀

***Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

PE 20/6 PLANNING CONDITIONS

The report of the Director of Planning, Housing and Environmental Health provided an update on how planning conditions would be sought on planning permissions through the use of a comprehensive, published compendium.

Members welcomed the use of a compendium as a valuable and informative tool and noted that its use would be in the interests of good and consistent decision making.

MATTERS FOR CONSIDERATION IN PRIVATE

PE 20/7 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.50 pm

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Street Scene and Environment Services Advisory Board of 5 March 2020 – minutes to follow

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Agenda Item 5

The minutes of meetings of Advisory Panels and Other Groups are attached, any recommendations being identified by an arrow.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

TONBRIDGE FORUM

Monday, 24th February, 2020

Present: Cllr N J Heslop (Chairman), Cllr J R S Lark (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr M D Boughton, Cllr V M C Branson, Cllr G C Bridge, Cllr A E Clark, Cllr D W King, Cllr K King, Cllr M R Rhodes and Cllr Miss G E Thomas.

Together with County Councillors Mr R Long and Mr M Payne and representatives of:

- Kent Police (Tonbridge),
- Society of Friends,
- Tonbridge and Malling Seniors,
- Tonbridge Art Group,
- Tonbridge Civic Society,
- Tonbridge District Scout Council,
- Tonbridge Historical Society,
- Tonbridge Lions Club,
- Tonbridge Rotary Club,
- Tonbridge Sports Association,
- Tonbridge Theatre and Arts Club,
- Tonbridge Town Team,
- University of the Third Age and
- Women's Institute

Councillors R P Betts, M A J Hood, D Lettington and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillor F G Tombolis and Tonbridge Music Club.

TF 20/1 MINUTES

RESOLVED: That the Minutes of the meeting held on 9 September 2019 be approved as a correct record and signed by the Chairman.

TF 20/2 UPDATE ON ANY ACTION IDENTIFIED IN THE LAST MINUTES

The Chairman provided an update on the following item:

TF 19/20 – Gas Replacement Works in Tonbridge

SGN had indicated that the replacement of the main gas pipe at one end of the High Street (opposite Tonbridge School) would be scheduled for July/August this year. However, the actual dates had not been finalised as there was ongoing discussion with Kent Highway Services on

measures to mitigate traffic concerns. The most appropriate diversion routes were also being considered.

Particular reference was made to the recent improvement works on the A21. The road had recently reopened following 10 days of works and good progress had been made in difficult weather conditions. It was noted that there was some outstanding work to be undertaken on the south bound Medway viaduct and Kent Highway Services would consult with appropriate organisations on the best time to schedule this work. Other work completed during the road closure included the collection of litter, trimming of trees and hedges, drainage clearance and repairs to safety barriers and fences.

TF 20/3 TONBRIDGE AND MALLING UPDATE - LEADER OF THE BOROUGH COUNCIL

The Chairman (in his role as Leader of the Borough Council) provided an update on key points relevant to Tonbridge. The headline messages set out in the presentation would be available on line and circulated with the Minutes.

Particular reference was made to the Waste Services Contract and the Chairman advised that the Borough Council recognised that the poor performance related to the new service arrangements were unacceptable and acknowledged that the last few months had been extremely difficult and frustrating. In response to the poor performance the Borough Council had escalated contract issues with Urbaser and the Chief Executive wrote personally to the Managing Director. As a result of formal meetings at the highest level the contractor had provided a detailed action plan to address and resolve the performance issues.

A number of measures had been implemented to ensure that all residents received an acceptable level of service and progress on the action plan was monitored weekly. Since the implementation of the new measures contract performance had improved significantly and there had been a reduction in the volume of complaints received.

Despite the issues with the contract there had been very positive engagement from residents regarding recycling. It was reported that early indications for October/November 2019 showed an improved recycling collection rate of 50% which was extremely encouraging.

The Chairman reiterated disappointment and frustration at the poor performance of the contractor during January. However, he was pleased to see an improving position and thanked residents for their patience, particularly the positive approach to recycling.

Information was also provided on a number of other areas as summarised below:

- The Borough Council had adopted a motion to recognise climate change in July 2019 and aspired to be carbon neutral by 2030.
- The Local Plan hearings had been scheduled for 18 – 21 May 2020 and would be held at the East Malling Research Centre.
- The budget and Council Tax rate for 2020/21 had been agreed by Council on 18 February. An increase of £5 (2.4%) on the Borough Council's element of the council tax had been supported. It was explained that Tonbridge and Malling Borough Council retained only a small percentage of the overall council tax bill (11.2%).
- The services supported/funded by the Special Expenses element of the Council Tax were outlined and included allocations towards sports grounds, parks, play areas and open spaces, local events and closed churchyards and allotments. It was noted that outside Tonbridge these services would be delivered by parish councils.
- Future investment included protection of the river bank at the Racecourse Sports Ground, improvements to Haysden Country Park and the Shopfront Improvement Scheme would be extended to local centres and parades in Tonbridge, such as Martin Hardie Way and York Parade.
- A new and improved 'big bridge' had now opened and had anti-slip, timber decking.
- Following the announcement that Beales had gone into administration it would be the responsibility of Sainsbury, as site owner, to fill the vacant premises.
- Discussions were ongoing regarding the appearance of Railway Approach and proposals to support regeneration of the area were expected from the owners in due course.
- Remediation work was ongoing at the Colas site on the Tonbridge Trade Park and it was anticipated that a planning application would be submitted in due course.
- There would be a public consultation on the proposals for the Poundland site on the High Street and this would start on 6 March at Tonbridge Castle.

In response to a question regarding the Fidelity site, the Chairman indicated that this had been purchased by Berkley Homes although there was no further information at the current time. However, Tonbridge and Malling was the Local Planning Authority and would consider a planning application if one was submitted.

TF 20/4 WEST KENT AND HADLOW COLLEGES

The Vice Principal Curriculum of the West Kent Area College (Dr Jim Mawby) and the representative of Hadlow College (Dr Lindsay Pamphilon) attended the meeting to address concerns about the future of further education provision at the Hadlow Group of colleges.

Hadlow and West Kent and Ashford colleges had been placed into education administration in May and August 2019 respectively. It was explained that this was a process specifically for further education bodies. The objective was to avoid or minimise disruption to the studies of the existing students of the college. This differed from a 'normal' administration where the primary duty of the Administrators was to act in the interests of creditors.

As a result of the education administration, the Further Education Commission had made a number of recommendations for the future operation of the colleges. It was proposed that the East Kent College Group take on West Kent and Ashford College's provision/facilities in Ashford and that North Kent College should take on West Kent and Ashford College's provision/facilities in Tonbridge. These measures were to be implemented by 31 March 2020.

Members and students were assured that the colleges continued to operate as normal and enrolment numbers continued to increase. In fact, the colleges were reported as making reasonable progress in all areas following a recent visit from Ofsted.

In response to a question from the Forum, it was confirmed that the Hadlow Rural Community School was not involved in this process and would remain on site as a separate entity.

Members welcomed the news that further education would continue in Hadlow and Tonbridge and were pleased that enrolment remained steady. However, students raised concerns about the lack of communication and expressed concern about future funding and staffing. The Vice-Principal committed to meeting with students to discuss their concerns in more detail.

TF 20/5 CLIMATE CHANGE STRATEGY

Reference was made to the motion adopted by Full Council in July 2019 which set out the 'aspiration for Tonbridge and Malling to be carbon neutral by 2030' and for a strategy to be developed to support this ambition.

The progress being made on the development of a Climate Change Strategy was outlined and a draft strategy had been reviewed by the [Street Scene and Environment Services Advisory Board](#) on 11 February. This had set out the Borough Council's commitment to local action on

climate change, biodiversity protection and enhancement and an approach to partnership working and included references to electric vehicle charging points, a Tree Charter and waste and recycling targets.

The Borough Council recognised the need to work with statutory partners, local businesses, local community groups and individuals to raise awareness and help to influence change. The Draft Climate Change Strategy and Draft Action Plan would be available on the Borough Council website for public consultation from 2 March to 1 May 2020.

Responses received would be presented to a future meeting of the Street Scene and Environment Services Advisory Board and could influence the shape of the Climate Change Strategy and associated actions. All Members of the Forum were encouraged to submit comments and were asked to promote the consultation so that a wider audience could be reached.

The Cabinet Member for Street Scene and Environment Services (Councillor Robin Betts) indicated that the Strategy was an evolving document and would be able to take advantage of any forthcoming technological advances. In addition, the Borough Council would seek advice and guidance on climate change strategies from external consultants. Kent County Council had recommended LASER a procurement and management company with 30 years' experience in assisting public bodies identify solutions to cut emissions through energy efficiency and advising on renewable energy methods.

Finally, Tonbridge District Scout Council advised of a recent initiative where scouts had planted 800 trees to aid climate change.

TF 20/6 KENT POLICE UPDATE

Sergeant Turtle provided a verbal update on the achievements made in performance and the neighbourhood policing agenda.

It was reported that a suspect had been identified for the recent burglaries from dwellings in North Tonbridge. Kent Police had also arrested the offender who had broken into a North Tonbridge pharmacy and stolen prescription drugs. The individual had been remanded to prison for sentencing.

Recent operations, incidents and trends included:

- Ongoing nuisance cycling and anti-social behaviour linked to national 'ride-outs'. Local officers continued to engage with youths and this was a key priority for the Community Safety Unit. Members were pleased to note that PC Ballard had received an award for her work with the community.

- York Parade in Tonbridge had suffered anti-social behaviour and low level crime over the last month. There had been increased police visibility and offenders had been dealt with and ring leaders identified.
- A report of a planned fight in Tonbridge for 17 January had been received and officers attended several schools and spoke with students offering advice and outlining potential consequences. This intervention had prevented the fight taking place.
- Community Policing Teams had visited a car wash facility on Vale Road, Tonbridge after a report of modern day slavery had been received. Fortunately, there was no evidence of any illegal activity although some minor health and safety issues had been identified.
- Issues with anti-social behaviour in Audley Avenue, Tonbridge had been reported and the Community Safety Partnership were liaising with Clarion Housing.
- Operation Skunk had taken place in and around Tonbridge Station on Friday 21 February. There had been 18 stop and searches for drugs; a small number of penalty notices issued and a variety of motoring offences dealt with.

Particular reference was made to the Kent Police website and the ['What's Happening in Your Area'](#) which enabled residents to get the latest crime statistics for their area by entering a postcode or address. Residents could also assist with appeals for information, find out what was being done to tackle crime in their local areas and report issues.

Finally, in response to a question, it was confirmed that a new Police Community Support Officer had been appointed to cover Castle Ward.

Residents thanked Kent Police for their increased visibility in Judd Ward over recent months and hoped that the offer of a roving camera to monitor and capture information would happen. However, concerns were expressed that police visibility would not be maintained in the area. It was also hoped that Clarion Housing would take measures to address anti-social behaviour of their tenants. Sergeant Turtle assured the Forum that the Community Policing Team would continue to respond to incidents.

A request for an increased level of street lighting to improve visibility in the area and deter anti-social behaviour was noted by County Councillors Long and Payne as this was a Kent County Council responsibility.

TF 20/7 KENT COUNTY COUNCIL SERVICES UPDATE

The County Councillors for Tonbridge (Michael Payne and Richard Long) provided details of a number of County initiatives and consultations. The headline messages of relevance to Tonbridge included:

- Additional funding to deal with highway maintenance such as repairing footways, pot holes and drainage.
- 120,000 street lights had been converted to LED which had saved approximately £6M and also reduced carbon emissions.
- Positive feedback had been received regarding the work at Tonbridge Library, which had been upgraded to a tier 1 facility.

A number of issues were raised by the Forum related to the asset management of the highways network, especially in bad weather, and the latest position regarding the short link road between the Slade to Lansdowne Road to relieve traffic around the Castle.

With regard to the former, it was indicated that surface water should be addressed by landowners and many issues could be mitigated by land conditioning and agricultural processes. It was the landowner's responsibility to maintain their own drainage.

The Chairman asked that the link road question be forwarded to the Borough Council's Technical Services for a response.

The meeting ended at 9.00 pm

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Joint Transportation Board of 9 March 2020 – minutes to follow

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

17 March 2020

Report of the Director of Central Services & Deputy Chief Executive

Part 1- Public

Executive Key Decisions

1 FUTURE GAS AND ELECTRICITY SUPPLY CONTRACTS

Summary

This report recommends that the Council enters into a new four year flexible procurement arrangement with LASER for the supply of gas and electricity for the period 1 October 2020 to 30 September 2024. The recommendation is based on the financial savings made under the current and previous flexible procurement contracts in place since 1 October 2008 and the energy procurement expertise available from LASER.

1.1 Background

- 1.1.1 The Council's gas and electricity supplies are currently purchased through LASER, a public body energy buying consortium established for 30 years and originally set up under the Commercial Services arm of Kent County Council. LASER currently supplies around 130 local authorities and 70 wider public sector bodies with a combined purchase portfolio of approximately £450m per annum. LASER's operation is overseen by a Governance Panel.
- 1.1.2 The Council's Contract Procedure Rules allow us to take advantage of such local authority buying consortiums. LASER employ experts in the complicated energy supply market and procure the framework being offered under a fully EU compliant tender process. They also manage, consolidate and validate the billing of the energy supplies on behalf of each participating authority. We pay LASER direct for any energy used, including a management fee of approximately 2.5%.
- 1.1.3 The current contract runs until 30 September 2020. This arrangement allows flexible procurement of utilities on a Purchase Within Period (PWP) basis. A PWP contract comprises a combination of purchasing prior to and within each six month period with an initial reference price that is reconciled after each period, potentially providing a rebate of savings back to the Council. The current contract is with Total Gas and Npower and gas and electricity respectively.
- 1.1.4 Since the introduction of these contract arrangements in 2008 savings have accrued to the Council against the alternative of procuring in isolation on the open

energy market. Although these savings are difficult to quantify precisely, LASER also assess that over the past four years their energy procurement team have been able to deliver wholesale energy prices at 5.5% below market average for the flexible contracts.

- 1.1.5 Whilst PWP arrangements may not provide the absolute cheapest market price at a given point in time it is proven to track the utilities markets somewhere below middle market prices. More importantly it avoids the risk of renewal of any Fixed Term Fixed Price (FTFP) arrangement should the contract happen to expire at a peak in the market price.
- 1.1.6 Purchase in Advance (PIA) is a further option offered by LASER for which a premium is paid to achieve cost certainty. PWP does not provide cost certainty but has in the past delivered lower costs at an increased but relatively controlled risk.
- 1.1.7 This arrangement supplies energy for both our high and low volume sites. The high volume sites are Gibson Building West (electricity and gas) Gibson Building East (electricity and gas) and Tonbridge Castle (electricity only). The low volume sites predominately cover public conveniences (electricity only). The annual budgeted expenditure for the 2019/20 financial year is £118,000 for electricity and £25,000 for gas.

1.2 LASER Future Supply Contract

- 1.2.1 We have been advised by LASER that, following a full EU tendering process, the contract for 2020-2024 has been awarded. The highest evaluated tender scores were again obtained by Total Gas and Npower and they have retained the gas and electricity frameworks respectively. The Council would enter into an Access Agreement with Laser and then subsequent call-off contracts direct with the supplier.
- 1.2.2 Under 8.1 of the Council's Contract Procedure Rules, Members must give approval in advance of utilising a framework where the value exceeds the EU threshold.

1.3 Climate Change

- 1.3.1 As part of the Council's aspiration for the Tonbridge and Malling Borough to become carbon neutral by 2030, we will be looking closely at the energy usage of our own estate and how we can look to reduce that usage.
- 1.3.2 Within the context of the Council's Draft Climate Change Strategy which, once adopted, may include an assessment of building service alterations, for example the installation of additional LED lighting, as well researching what opportunities exist for the on-site generation of renewable energy.

- 1.3.3 The new Laser framework offers a range of additional services which are available to the Council to explore which include the opportunity to purchase ‘green’ electricity from suppliers, that is, energy which is generated from renewable sources, for which there is a small uplift in cost of around 0.5 – 1%. In addition, the framework enables suppliers to be engaged to investigate and install renewable energy generation systems.

1.4 Legal Implications

- 1.4.1 LASER procure in accordance with the tendering requirements of the EU in relation to energy contracts of this value. They qualify as a Local Authority Buying Consortium under Council’s Contract Procedure Rules.
- 1.4.2 The Council would enter into an Access Agreement with Laser and then separate call-off contracts direct with the suppliers.

1.5 Financial and Value for Money Considerations

- 1.5.1 Procurement of energy through LASER, a public body buying consortium, using the PWP framework has proved to be financially advantageous to the Council based on past experience.

1.6 Risk Assessment

- 1.6.1 Reliability of energy supply to our offices is vitally important. It is a significant advantage to be able to use an established, cost effective framework for a further four years (2020-2024).

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 Business Continuity/Resilience
- 1.8.3 Climate Change – see 1.3 above.
- 1.8.4 Procurement

1.9 Recommendations

- 1.9.1 That the Council enters into a further four year agreement with Npower, Total Gas and LASER (KCC) for the supply of electricity and gas (purchased under PWP) for the Council’s high and low volume sites for the period 2020-2024

1.9.2 That approval is given under Contract Procedure Rule 8.1 to utilise the LASER framework

1.9.3 That authorisation is given to opt for electricity supplies generated by renewable sources as soon as practicable

Background papers:

contact: Stuart Edwards

Nil

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

17 March 2020

Report of the Director of Street Scene, Leisure & Technical Services and the Director of Finance & Transformation

Part 1- Public

Executive Key Decisions

1 REVIEW OF CAR PARKING FEES & CHARGES

Summary

This report seeks Cabinet approval of recommendations for off-street car parking charges recently considered at the meeting of the Street Scene & Environment Advisory Board on 5th March 2020. The recommendations generate additional income which have an impact on the MTFS.

1.1 Background

1.1.1 The Street Scene & Environment Advisory Board on 5th March 2002 will meet to consider objections and comments received during the statutory consultation period relating to existing off-street car parking charges. The car parks included in the report are those in Tonbridge, West Malling, Borough Green, Blue Bell Hill and the Council's two Country Parks.

1.1.2 Subject to any Member amendments at the meeting of the Advisory Board the recommendations are attached at **Annex 1** to this report.

1.1.3 The car parking charges for Aylesford and Martin Square, Larkfield are not included in the recommendations to this report, as the outcome of the first stage of consultation for these locations will be reported to the Street Scene & Environment Advisory Board in June 2020.

1.2 Legal Implications

1.2.1 At an Extraordinary meeting of Cabinet on 6th January 2020 it was agreed that the proposed charges would be approved for consultation in accordance with the relevant statutory provisions. To enable the charges to be introduced a new off-street Traffic Regulation Order is required.

- 1.2.2 Where there is a statutory process a local authority should comply with the process as laid out. In the case of the proposed car parking charges this is under the Road Traffic Regulation Act 1984, following the procedure set out in the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996. Regulation 8 of the 1996 Regulations requires a 21 day consultation period.

1.3 Financial and Value for Money Considerations

- 1.3.1 The proposed charges were reviewed within the context of a set of guiding principles, the cost of the parking service to the Council and ongoing investment in the parking management service. The projected increased income from the recommended charges have already been included in the Estimates for 2020/21.

1.4 Risk Assessment

- 1.4.1 The estimated additional income outlined in the report to the October 2019 meeting of the Street Scene & Environment Advisory Board was modelled on the basis that future parking patterns and demand match current activity. It does not reflect any potential adverse customer reaction or the possibility of increased take up of the dual ticketing arrangement in Angel and Botany car parks.

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.
- 1.5.2 Blue Badge holders can park free of charge in the Council's car parks for up to 23 hours. The Blue Badge scheme has recently been extended by Central Government to include people with "hidden disabilities". This includes people with learning disabilities, autism and mental health conditions.

1.6 Policy Considerations

- 1.6.1 Asset Management
- 1.6.2 Community
- 1.6.3 Customer Contact

1.7 Recommendations

- 1.7.1 It is **RECOMMENDED** that subject to any Member amendments at the Street Scene & Environment Advisory Board on 5th March 2020, the recommendations to Cabinet attached at **Annex 1** to this report be approved, with the proposed car parking charges coming into effect on 5th April 2020.

Background papers:

contact: Andy Edwards

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services

Sharon Shelton

Director of Finance & Transformation

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Recommendations from the Street Scene & Environment Advisory Board

5th March 2020

It is **RECOMMENDED TO CABINET** that it **APPROVE** the following actions to be progressed prior to the proposed parking charges outlined in the report coming into effect on 5th April 2020:-

- 1) the objections to the proposed charges to the off-street parking charges, as detailed in the report, be set aside; and

- 2) the appropriate Traffic Regulation Order be made to facilitate the variation of the off-street parking charges.

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

17 March 2020

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Executive Key Decisions

1 ON STREET PARKING FEES AND CHARGES

Summary

This report seeks Cabinet approval of recommendations for On Street Parking Fees & Charges considered at the meeting of the Joint Transportation Board on 9th March 2020. The recommendations generate additional income and therefore have an impact on the MTFs.

1.1 Background

1.1.1 The Joint Transportation Board will meet on 9th March 2020 to consider the proposed statutory consultation on on-street fees and charges.

1.1.2 Subject to any Member amendments at the meeting of the Joint Transportation Board the proposed recommendations are attached at **Annex 1** to this report.

1.2 Legal Implications

1.2.1 At the 6th January 2020 meeting of the Council's Cabinet the proposed on street charges were approved for consultation, setting in-train the processes for the making of appropriate Traffic Regulation Orders.

1.2.2 The Borough Council carries out parking enforcement under an Agency agreement with Kent County Council by way of a Traffic Regulation Order, under the terms of the Road Traffic Act 1988 (and its amendments), the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004.

1.2.3 The statutory process for making a Traffic Regulation Order requires that the Council undertakes a formal consultation on the proposed changes, and is described in the Local Authorities Traffic Orders (Procedures)(England and Wales) 1996.

1.2.4 The agreed forum for the promotion of a new on-street Traffic Regulation Order and the consideration of any objections is the Joint Transportation Board.

1.3 Financial and Value for Money Considerations

- 1.3.1 The review of the on-street car parking fees and charges was progressed within the context of a set of guiding principles, the cost of the parking service to the Council and ongoing investment in the parking management service. Details were reported to the September 2019 meeting of the Street Scene & Environment Advisory Board.

1.4 Risk Assessment

- 1.4.1 None.

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.
- 1.5.2 Blue Badge holders can park free of charge in the Council's car parks for up to 23 hours. For Blue Badge holders living in a parking permit area, a Resident Parking Permit is not required as long as the valid Blue Badge and clock is correctly displayed. The Blue Badge scheme has recently been extended by Central Government to include people with "hidden disabilities". This includes people with learning disabilities, autism and mental health conditions.

1.6 Policy Considerations

- 1.6.1 Asset Management
- 1.6.2 Communications
- 1.6.3 Community
- 1.6.4 Customer Contact

1.7 Recommendations

- 1.7.1 It is **RECOMMENDED** that subject to any Member amendments at the Joint Transportation Board, the recommendations for Cabinet attached at Annex 1 to this report be approved.

Background papers:

contact: Andy Edwards

Nil

Robert Styles
Director of Street Scene, Leisure & Technical Services

Recommendations from the Joint Transportation Board
9th March 2020

ON-STREET PARKING FEES AND CHARGES

It is **RECOMMENDED** that the proposed consultation for the proposed on-street parking fees and charges be progressed as outlined in sub-sections 1.2 and 1.3 of this report.

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

17 March 2020

Joint report of the Director of Central Services and Deputy Chief Executive and Director of Street Scene, Leisure and Technical Services

Part 1- Public

Executive Non Key Decisions

1 REVIEW OF COMMUNITY SAFETY

1.1 Background

- 1.1.1 A review of community safety, including the provision of CCTV was considered by the Overview and Scrutiny Committee on the 28 August 2019 and the 10 October 2019. The recommendations arising out of that review were subsequently considered by Cabinet at its meeting on 16 October 2019, and thereafter by Council on 29 October 2019.
- 1.1.2 Members agreed that in respect of the Community Safety Partnership growth to the Borough Council's budget for 2019/20 and 2020/21 should be accepted and that the provision of the Community Safety Services should be retained at the current level of resource.
- 1.1.3 In relation to CCTV provision Members agreed that a decision regarding the level of operation be deferred in order for the Borough Council to write to the Police and Crime Commissioner (PCC) and Clarion Housing regarding their level of financial contribution towards both the operation of CCTV and the level of financial contribution to the Community Safety Unit.
- 1.1.4 For clarity the recommendation made by the Overview and Scrutiny Committee to Cabinet was that the CCTV operation be maintained at its current level.
- 1.1.5 The Borough Council has now received a response from both the PCC and Clarion on these matters.
- 1.1.6 The Police and Crime Commissioner replied as follows: "The question of funding for CCTV is one that has been raised on a number of occasions by the Districts. If Council's wish to use the Crime Reduction Grant that I provide them to support their CCTV network then this is not an issue. This is already taking place in a number of areas with around £110,927 allocated from this grant to support CCTV during 2019/20. However, CCTV provision is not a core function for the Police and it is up to Local Authorities to decide what the CCTV service looks like going forward".

- 1.1.7 Members will remember that the Community Safety Partnership currently receives (2019/20) a total of £30,771 from the PCC's Crime Reduction Grant which is already allocated towards a number of community safety projects such as domestic abuse support, addressing neighbour disputes and providing outreach work for young people.
- 1.1.8 Since the meeting of the Overview & Scrutiny Committee on 10 October the Leader, Cabinet Member for Community Safety and Chief Executive have met with the Chief Constable to further discuss the Police position. A further meeting has subsequently taken place attended by the Chief Executive, the Head of Service for Licensing, Community Safety and Customer Services, the deputy Chief Constable, and the Chief Inspector. Discussions are ongoing and it is appropriate for these to be reported back to the Overview & Scrutiny Committee before Cabinet make their final recommendations.
- 1.1.9 The response received from Clarion was that they are unable to contribute financially for CCTV provision unless the benefits to their residents can be evidenced. However, it is clear that none of the areas and/or estates where they have homes are covered by the static CCTV cameras provided by the borough. They state that they continue to support the positive work that the Community Safety Partnership continues to deliver and do work closely with the Borough Council and other statutory agencies to manage both anti-social behaviour and other related activities in the areas where they have homes.

1.2 Legal Implications

- 1.2.1 As set out in the report to Overview and Scrutiny Committee on 10 October 2019.

1.3 Financial and Value for Money Considerations

- 1.3.1 As set out in the report to Overview and Scrutiny Committee on 10 October 2019.

1.4 Risk Assessment

- 1.4.1 As set out in the report to Overview and Scrutiny Committee on 10 October 2019.

1.5 Equality Impact Assessment

- 1.5.1 To ensure that the Borough Council has due regard to equality duties an Equality Impact Assessment will be undertaken if it is opted to make any changes to the current CSU provision. This would need to be reported back to Cabinet to allow the impact of any recommendations to be fully considered. It is not considered that the provision of CCTV is a function that impacts upon a specific group with protected characteristics in any different way to end users and any service changes recommended would have a remote or low relevance to the substance of the Equality Act.

1.6 Policy Considerations

- Customer contact
- Communications
- Community

1.7 Recommendations

1.7.1 Members are requested to

1.7.2 (a) note the responses received from both the PCC and Clarion

- (b) agree that this matter be referred back to a future meeting of the Overview & Scrutiny Committee for further consideration in the light of both the responses of the Police & Crime Commissioner & Clarion, and the ongoing discussions with the Police set out in this report.

Background papers:

Overview and Scrutiny Committee report dated
10 October 2019

Overview and Scrutiny Committee Scoping report
dated 29 August 2019

contact: Anthony Garnett
Andy Edwards
Alison Finch

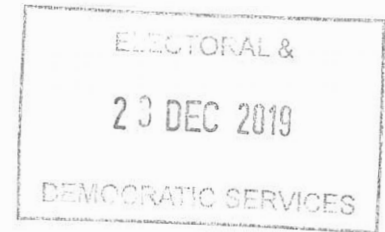
Adrian Stanfield
Director of Central Services and Deputy Chief Executive

Robert Styles
Director of Street Scene, Leisure and Technical Services

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Mr Adrian Stanfield LL.B (Hons)
Director of Central Services
Gisbon Building
Gisbon Drive
Kings Hill
West Malling
Kent
ME19 4LZ



Date: 19th December 2019

Ref: OPCC/MS/CT/056/19

Thank you for your letter dated 02nd December 2019 and raising the query regarding CCTV that has been made by the Council's Overview and Scrutiny Committee. The question of funding for CCTV is one that has been raised on a number of occasions by the Districts. My position on this is that if the Councils wish to use the Crime Reduction Grant I provide to them to support their CCTV network, then this is not an issue. This is already taking place in a number of areas with around £110,927 allocated from this grant to support CCTV during 2019/20. However, CCTV provision is not a core function for the Police and it is up to Local Authorities to decide what the CCTV service looks like going forward.

I hope this clarifies my position regarding the funding support I have made available for CCTV.

Yours sincerely

Matthew Scott
Kent Police and Crime Commissioner

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Annex 2

From: Jackie Andrews [<mailto:Jackie.Andrews@clarionhg.com>]
Sent: 02 January 2020 11:18
To: Adrian Stanfield <Adrian.Stanfield@tmbc.gov.uk>
Cc: Bev Covington <Bev.Covington@clarionhg.com>; Lisa Clarke <Lisa.Clarke@clarionhg.com>
Subject: FW: Review of Community Safety/ CCTV

Hi Adrian,

Thanks for your attached letter which was initially sent to the CEO and has now been passed to me to respond to.

I have talked through the detail of the letter with the local team and more specifically our tenancy specialist team, who are actively involved in CSU meetings and discussions.

We are keen to support the positive work that the CSU continue to deliver and do work closely with T&M and other statutory agencies to manage both ASB and other related activities in the areas where we have homes.

From discussions with the local team it's clear that none of the areas and/or estates where we have homes are covered by the static CCTV cameras provided by the borough. My understanding is that the cameras focus very much on the High Street in Tonbridge, surrounding area and car parks etc.

With that in mind I don't feel we will be able to contribute to the funding for 20/21 and future years, unless the benefits to our residents is evidenced.

Thanks

Jackie Andrews – Regional Director of Housing (South)
Clarion Housing Group
32 Tower View, Kings Hill, West Malling, ME19 4UY
M: 07813 442357
Email: jackie.andrews@clarionhg.com
Web: www.myclarionhousing.com

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Item PE 20/4 referred from Planning and Transportation Advisory Board of 3 March 2020

Following feedback from consultees and stakeholders on engagement processes the report provided an update on Development Management with a view to ensuring parity and improving efficiency and effectiveness. If approved, the proposals could result in savings to support the Borough Council's Medium Term Financial Strategy, support the Borough Council's commitment to the Climate Change and Digital Strategies and create service efficiencies that enabled planning applications and decisions to be dealt with in a timely way.

Members recognised the value in reviewing internal working practices to ensure that the development management function was delivered efficiently for the benefit of residents and applicants. In particular, Members welcomed the proposals around notification deadlines, validation dates and the use of 'List B' to trigger the commencement of the 21 day notification period. Members also supported the principle of stricter measures being in place to reduce last minute amendments to planning applications

However, concern was expressed that the proposals represented a significant challenge for parish councils, who would have to adapt their current practices to adopt the changes. To support parishes through this process Planning Officers would actively engage with parish councils (and other interested parties) to understand the issues and concerns around the proposals and to identify potential digital solutions. It was not the Borough Council's intention to prevent anyone from engaging in the planning process.

It was also intended to hold a number of training sessions, working in partnership with the Kent Association of Local Councils (KALC) and the Parish Partnership Panel to support parish councils in using digital tools such as the Public Access portal and My Account to keep informed of planning applications in their area. There would be a transition period from 1 June 2020, during which the approach would be tested and there would be discussions between planning officers and parish councils to identify any issues.

Finally, reference was made to late representations and the need to retain flexibility around any information received to ensure that fundamental matters were addressed when considering a planning application.

Members discussed the proposals in detail and Officers responded to concerns, comments and questions raised.

RECOMMENDED: That the proposed changes to process, set out in the report and detailed below, be agreed:

- (1) from 1 September 2020, the Borough Council will not accept representations on applications received after the relevant 21 day period from any party not included in the statutory (technical) consultees definition (as set out in paragraph 1.2.9 of the report). It would, however, be recognised that there could be exceptions to this where fundamental matters were raised outside the

period, which could leave the authority open to legal challenge or raised new material considerations.

- (2) from 1 September 2020, the Borough Council will notify Parishes via the weekly List B and they will have 21 days from then within which to make representations (as set out in paragraph 1.2.12 of the report) and therefore the provision of hard copies of planning applications to Parish Councils will cease and they will be required to view relevant papers online (as set out in paragraph 1.2.12 of the report);
- (3) the savings derived from changes to how Parish Councils will be notified will contribute to both the Savings and Transformation Strategy and the Medium Term Financial Strategy (as set out paragraph 1.2.14 of the report);
- (4) from 1 September 2020, amendments to planning applications will not be accepted, other than where the changes sought were considered to be 'de-minimis', correct errors or discrepancies identified by officers or where a Planning Performance Agreement was in place that provided for such amendments to be negotiated between the parties (as set out in paragraph 1.3.7 of the report); and
- (5) progress on the proposals will be updated at the meeting of the Planning and Transportation Advisory Board scheduled for 28 July 2020.

***Referred to Cabinet**

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

03 March 2020

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 DEVELOPMENT MANAGEMENT – PROCESSES AND PROCEDURES

Summary

This report seeks to provide an update on Development Management following feedback from consultees on engagement processes, with a view to ensuring parity. The proposals in this report would, if agreed, result in some savings to support the Council's medium term financial strategy and service efficiencies.

1.1 Introduction

- 1.1.1 Following feedback from various parties to the planning process including Parish Councils, officers have taken the opportunity to review certain current processes, procedures and actions in order to improve efficiency and effectiveness. This feedback included concerns about late amendments to planning applications, the need to move to determination of applications in a timely fashion and simplifying processes to ensure that consultees can have time to consider applications and liaise where appropriate with their borough Members. This will inevitably be an ongoing process but some key aspects of our working practices have already been identified and improvements and innovation efforts are being made in order to have a demonstrable and measureable impact on the efficiency, quality and delivery of the development management function.
- 1.1.2 The national planning practice guidance sets out that once a planning application has been validated, the Local Planning Authority (the "LPA") should make a decision on the proposal **as quickly as possible**, and in any event within the statutory time limit unless a longer period is agreed in writing with the applicant. The statutory time limits are usually 13 weeks for applications for major development and 8 weeks for all other types of development (unless an application is subject to an Environmental Impact Assessment, in which case a 16 week limit applies). Members will be aware that applications which are accompanied by a Planning Performance Agreement are not subject to these timeframes and the Council has a published protocol dealing with these specifically. All local authorities are required to submit data indicating percentages of decisions that are made within these deadlines and there are

specific targets to be met. Officers continually work to ensure these targets are met each month but in a number of circumstances it is necessary to formally agree “extensions of time” with applicants to account for delays that have arisen which does not make for efficient decision making.

- 1.1.3 There are mechanisms in place in an attempt to combat delays in decision making, including the ability for applicants to appeal to the Secretary of State via his Planning Inspectorate against “non-determination” in the event that a decision is not made within the statutory time periods. Furthermore, there is provision that application fees become repayable if a decision is not made within 26 weeks of validation taking place.
- 1.1.4 This provides a clear indication that government emphasis is focused on LPAs issuing planning decisions in a timely way.
- 1.1.5 There will, of course, always be a balance to be struck between this and the fact that we are also encouraged to work in a positive manner with all stakeholders to ensure the best and most appropriate developments come forward in the interests of proper place making.
- 1.1.6 According to the National Planning Policy Framework (NPPF), the ultimate objective of any planning service is to deliver sustainable development. Beyond meeting this objective, the extent to which a Development Management service can be considered ‘good’ by customers and stakeholders is subjective, although of course the context provided above is key. The Planning Advisory Service (PAS) recognises that efficiency, quality and delivery broadly define whether a Development Management service can be considered good or not.

1.2 Public Consultation and Engagement

- 1.2.1 Members will be aware that after the Council receives a planning application, it undertakes a period of consultation where views on the proposed development can be expressed. There are statutory provisions setting out how such consultation must be undertaken (Town and Country Planning (Development Management Procedure) Order 2015 (as amended)).
- 1.2.2 The Order places a statutory duty on LPAs to publicise planning applications either
 - 1) by site display in at least one place on or near the land to which the application relates for not less than 21 days; **or**
 - 2) by serving the notice on any adjoining owner or occupier.

The application must **also** 3) be published on the Council’s website.

- 1.2.3 Presently, the Council exceeds these statutory requirements by undertaking a combination of those notification processes and whilst presently it is not intending

to implement a wholesale change this approach, there are ways to ensure it is undertaken in a proportionate and efficient manner.

- 1.2.4 In terms of engagement with Parish Councils specifically, the Council has a duty to notify them upon receipt of planning applications. There is no subsequent duty upon them to respond to that notification, or indeed, for the Council to attribute any prescribed amount of weight or significance to any representations the PC might chose to make in reaching a decision. This is an important distinction to the way case law instructs we must treat the responses of statutory consultees such as Historic England, the Environment Agency or Highways England, for example.
- 1.2.5 What the Order does make clear however is that when Parish Councils do wish to make representations, in order for them to be considered as such they must be made within 21 days of notification. Where a PC has been notified, under paragraph 8 of Schedule 1, this triggers the 21 day representation period for the PC under paragraph 25 of the Order. The Order actually states that the PC ***“must make any representations to [the LPA] within 21 days of the notification to them of the application”***.
- 1.2.6 The Order also sets out how representations received must be taken into account and the requisite period for allowing for representations to be made. In other words, that a final decision on whether or not to grant planning permission cannot be made until the expiration of the 21 day period from the notification being made. Historically however, the service has continued to accept representations after this time period up to the point of determination, although there is no statutory or constitutional basis requiring this to happen. In all respects, the planning practice guidance advises LPAs that they may, at their discretion, take into account comments that are made after the closing date (but they have no obligation to do so).
- 1.2.7 Conversely, provision is contained within the Order that allows for statutory (technical) consultees to notify the Council within the 21 day period should they consider further information is required from the applicant to enable them to make a substantive response. Habitually, this will relate to technical data and associated information. This is because they are, in fact, required to provide us with a representation when we consult them. The same ability is not expressly provided for in the case of other consultees because they are not required to respond in the same way.
- 1.2.8 There are occasions where late representations from non-statutory consultees have been received (over the prescribed period) which, in the case of decisions to be made under delegated powers causes a delay to determination or subsequent to committee reports being published.
- 1.2.9 Consideration has been given to how to avoid scenarios which cause such delays to decision making and it is considered that the way to overcome this is to propose that the Council will not accept representations on applications received

after the relevant 21 day period from any party not included in the statutory (technical) consultees definition.

- 1.2.10 This does not necessarily mean that late representations will completely cease. In the event that any are received, there will still be a need to ensure that any information they contain do not raise any fundamental matters that could leave the authority open to legal challenge or raise new, previously unconsidered, material considerations. Beyond this, any such representations received after the relevant deadline date will not be taken into account.
- 1.2.11 Similarly, officers understand that some confusion can arise when Parish Councils are effectively working to a different deadline to that of borough Members in terms of the timeframe within which to call applications in to the relevant Area Planning Committee. Operationally this is because Parishes are sent an individual notification along with the entire planning application submission in hard copy whereas the Borough Councillors are notified of the receipt of planning applications via the published weekly list (commonly referred to as "List B").
- 1.2.12 To overcome this, Parishes would now be notified via the weekly list as per the approach with borough Members and will have 21 days from then within which to make representations. As part of this, the Council will no longer be providing the Parish Councils with hard copies of all planning applications and instead they will be required to view them online through the Public Access pages on the Council's website as with other consultees.
- 1.2.13 It is appreciated that this will represent a change in the way we have approached such matters, and Parish Councils in particular will have to adapt their current practices to accommodate this change. It is therefore recognised that there will need a suitable lead in period whereby our notification letters and the website clearly set this out to avoid any misunderstanding or confusion. Similarly, officers would wish to engage with Parish Councils to establish what particular needs they might have that the Borough Council might reasonably assist with to ensure they are not disengaged from the process. As part of this, should Members agree these proposals, we intend to hold training sessions, working in partnership with KALC and the Parish Partnership Panel, to support Parish Councils in using digital tools such as the Public Access portal and My Account to keep informed of planning applications in their area. Officers would therefore be engaging with all Parish Councils over the coming weeks to establish if they require any assistance in preparing for the change to our processes and will be targeting an implementation date of 1 September 2020 with a transitional period from 1 June 2020 during which the approach will be tested and there will be discussions between planning officers and parish councils to work through any issues. In addition, Members will be offered an opportunity for a briefing session.
- 1.2.14 Moreover, it should be recognised that in addition to better alignment in notification processes arising from this change, there will be further benefits arising, not least the considerable amount of paper that will be saved (around

245,000 sheets per annum) and the financial saving in printing costs, plus associated costs attributed to physically posting the documents and use of courier services in some circumstances. In addition, the officer time saved in undertaking this task could be considered as part of the overarching aim of increased efficiency within the service. It is proposed that the c.£7,500 printing costs and associated postage costs be a saving to support the Council's Medium Term Financial Strategy.

1.3 Engagement with Developers and Applicants

- 1.3.1 Following consultation and assessment of any application, there may be occasions where schemes require amendment in order to ensure they are acceptable. However, this should be done as an agreed outcome of clear and structured negotiations where, for example, Officers have identified that an objection can be readily overcome by such an amendment.
- 1.3.2 It is always at the discretion of the LPA whether to accept amendments and then to subsequently determine if the changes need to be reconsulted upon, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted.
- 1.3.3 In terms of the need for re-consultation, it is up to the LPA to decide whether further publicity and consultation is necessary in the interests of fairness, and there is case law governing such matters (*R (Broad) v Rochford DC* [2019] EWHC 628 (Admin)). In deciding what further steps may be necessary we are required to consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended.
- 1.3.4 There have been recent experiences of unsolicited amendments to planning applications being submitted without negotiations having taken place in a response to objections published or after the publication of committee reports in order, for example, to overcome particular objections raised within assessments and/or recommendations of refusal.
- 1.3.5 Whilst there is a need to positively engage with applicants and developers in order to achieve well designed, acceptable schemes, this must be balanced against the need for timely and efficient decision making in addition to ensuring fairness of information provision through public consultation, as set out above. Again, there is nothing contained within legislation or the Constitution that *requires* the Council to accept unsolicited amendments to planning applications.
- 1.3.6 In practical terms, the correct time for constructive negotiations to take place on proposed schemes is via the pre-application process, and through the use of Planning Performance Agreements where necessary. Officers will continue to stress the importance of these to applicants and developments.

1.3.7 In order to ensure effective and efficient decision making combined with the importance of their being a fairness in approach, it is considered that there needs to be a marked change in the way amendments to live planning applications are dealt with. This is summarised as follows:

- Amendments to schemes which are due to be considered by the relevant Area Planning Committee where reports have been published will not be accepted. The applicant has the choice to have the application determined by the Committee or to formally withdraw the application and resubmit on an amended basis to allow for consultation and subsequent assessment to take place.
- Amendments to schemes that amount to anything more than “*de-minimis*” changes or changes that are required to correct discrepancies or errors uncovered through officer assessment/investigation will not be accepted on any live application.
- If officers having made a full assessment of a scheme determine that amendments are required in order to make a scheme acceptable in planning terms, they will firstly consider whether the harm identified can be obviated by imposition of condition. If this is not possible, the applicant will be invited to withdraw the application within a given timeframe or their application will be recommended for refusal of planning permission.
- Negotiations on substantive amendments to schemes that will require further consultation to take place will only take place on applications where a Planning Performance Agreement in accordance with the Council’s protocol is already in place. Planning Performance Agreements will have been considered at the pre-application stage.

1.3.8 Again, it is appreciated that this will represent a change in our working practices, and if agreed, agents and developers should be advised of such a change in approach to avoid confusion. This will be done via the relevant pages of the Council’s website and via ongoing officer liaison with them, particularly as part of pre-application discussions.

1.4 Legal Implications

1.4.1 The ongoing work set out above will ensure that the practices in place will continue to meet all statutory duties and requirements.

1.5 Financial and Value for Money Considerations

1.5.1 Implementation of the processes set out above will ensure that the service continues to provide a high quality service to customers, consequently minimising the risk of potentially costly appeals against non-determination being taken forward and being required to refund application fees.

- 1.5.2 Applications can be resubmitted once free of charge if an applicant is invited to withdraw. Given that the resubmission would be on the basis of the work to date, there is an additional resource implication around managing a new consultation process, however this is not considered to be significant.

1.6 Risk Assessment

- 1.6.1 Not making the recommended changes to processes and practices may result in risks around not meeting national targets for decision making, an increase in non-determination appeals and repayment of application fees.

1.7 Policy Considerations

- 1.7.1 The recommendations align with both the emerging Climate Change Strategy and the Digital Transformation Strategy.
- 1.7.2 In seeking to look at service efficiencies, the recommendations support the Council's Savings and Transformation Strategy.

1.8 Equality Impact Assessment

- 1.8.1 No issues raised.

1.9 Recommendations

- 1.9.1 That Members **AGREE** the proposed changes to process as set out in this report, namely:
- 1) From 1 September 2020, the Council will not accept representations on applications received after the relevant 21 day period from any party not included in the statutory (technical) consultees definition (as set out at paragraph 1.2.9 of the report).
 - 2) From 1 September 2020 the Council will notify Parishes via the weekly list B and they will have 21 days from then within which to make representations. Additionally, the provision of hard copies to the Parish Councils will cease and they will be required to view them online (as set out at paragraph 1.2.12 of the report).
 - 3) The savings derived from changes to how Parish Council's will be notified, will make a contribution to support both the Savings and Transformation Strategy and Council's Medium Term Financial Strategy (as set out at paragraph 1.2.14 of the report).
 - 4) From 1 September 2020, amendments will not be accepted to planning applications other than either where the changes sought are considered to be "de-minimis", correct errors or discrepancies identified by officers or where there is a Planning Performance Agreement in place that provides for such amendments to be negotiated between the parties (as set out in paragraph 1.3.7 of the report).

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:

Nil

contact: Emma Keefe
Louise Reid

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

Item PE 20/5 referred from Planning and Transportation Advisory Board of 3 March 2020

The report of the Director of Street Scene, Leisure and Technical Services presented a revised Joint Transportation Board Agreement between the Borough Council and Kent County Council for consideration. There were no financial implications related to the proposal and therefore no impact on the Medium Term Financial Strategy.

A copy of the revised Agreement (attached at Annex 2 of the report) incorporated an amendment to paragraph 2.2 of the First Schedule agreed at the meeting of the Joint Transportation Board held on 23 September 2019, stating that Parish/Town Council representative(s) nominated by the Area Committee of the Kent Association of Local Councils (KALC) would be able to speak on any item on the agenda. It was confirmed that Parish/Town Council representatives would not have voting rights as part of this amendment.

RECOMMENDED: That the revised Joint Transportation Board Agreement (attached at Annex 2 of the report) be approved.

***Referred to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

03 March 2020

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 PROPOSED REVISION TO JOINT TRANSPORTATION BOARD AGREEMENT

Summary

This report brings forward a revised Joint Transportation Board Agreement between this authority and Kent County Council for consideration and recommendation to Cabinet. There are no financial implications relating to the report and therefore no impact on the Medium Term Financial Strategy.

1.1 Background

- 1.1.1 Joint Transportation Boards between KCC and District/Borough Councils were established in 2005 to facilitate discussion and cooperation on local highway and transportation issues. Underpinning the JTBs is a legal agreement signed by KCC and each District/Borough.
- 1.1.2 At the Tonbridge & Malling JTB meeting held on 23rd September 2019, a revised JTB Agreement was considered and it was agreed to submit the revised document to this Board and Cabinet for approval in accordance with the Council's Constitution.
- 1.1.3 In considering the revised Agreement Members of the JTB agreed that Parish/Town Council representative(s) nominated by the Area Committee of the Kent Association of Local Councils would be able to speak on any item on the agenda, and that paragraph 2.2. of the First Schedule to the proposed agreement would be amended to reflect this.
- 1.1.4 A copy of the report to the JTB on 23rd September 2019 is attached at **Annex 1**, which outlines the proposed amendments.

1.2 Revised Agreement

- 1.2.1 A copy of the revised Agreement is attached at **Annex 2**, and incorporates the amendment to paragraph 2.2. of the first Schedule.

1.3 Legal Implications

- 1.3.1 Following final approval by Cabinet, the revised Agreement will need to be signed and ratified between KCC and this authority.

1.4 Financial and Value for Money Considerations

- 1.4.1 There are no financial implications of the proposed amendments.

1.5 Risk Assessment

- 1.5.1 The Agreement has not been reviewed since 2005 when the JTB was first established. The revised Agreement sets a review period every four years or sooner.

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 Policy Considerations

- 1.7.1 Communications

- 1.7.2 Community

1.8 Recommendations

- 1.8.1 It is **RECOMMENDED** to **CABINET** that the revised Joint Transportation Board Agreement included at **Annex 2** to the report be **APPROVED**.

Background papers:

contact: Andy Edwards

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services

Joint Transportation Board – 23rd September 2019Joint Report of KCC's Director of Growth, Environment & Transport and
TMBC's Director of Street Scene, Leisure & Technical Services

Subject: Proposed Revision to Joint Transportation Board Agreement

Summary:

Joint Transportation Boards (JTBs) between KCC and the District/Borough Councils were established in 2005 to facilitate discussion and co-operation on local highway and transportation issues. Underpinning the JTBs is a legal agreement signed by KCC and each District/Borough. The current agreement has recently been reviewed and a revised copy is attached.

Recommendation:

The JTB is asked to note the revised Agreement which has been formally endorsed by the KCC Cabinet Member for Planning, Highways and Waste and by the TMBC Cabinet Member for Strategic Planning & Infrastructure.

1. Background

- 1.1 This report sets out for consideration, by the Joint Transportation Board, a revised JTB Agreement. The revised agreement is attached at Appendix A. Under its constitution the revised Agreement will need to be approved by the Borough Council's Planning & Transportation Advisory Board and Cabinet.
- 1.2 Joint Transportation Boards between KCC and the District/Borough Councils were established in 2005 to facilitate discussion and co-operation on local highway and transportation issues. Underpinning the JTBs is a legal agreement signed by KCC and each District/Borough.
- 1.3 The revised Agreement has been shaped by feedback from the JTB Chair (2018), the Leader of TMBC, Members of KCC's Environment and Transport Committee and Kent Secretaries.

2. Proposed changes

- 2.1 Arrangements set out in the 2005 Agreement allow for the Agreement to be revised at the instigation of the Kent and Medway Chief Executives, however there is nothing in the Agreement (or revised Agreement) that precludes amendments to individual Agreements. In the revised Agreement, the review period is set for every four years or sooner at the instigation of both parties, and amended by both parties, if necessary, as a consequence of any review.
- 2.2 The slight changes to Membership clauses at 2.1 and 2.2 are intended to clarify the membership and role of Parish/Town Council representatives.
- 2.3 Also included at paragraph 4.2 are updated arrangements to implement agenda setting meetings and in paragraph 4.7 for formal minutes of the

meeting to be sent to the KCC Cabinet Member for Planning, Transport, Highways and Waste.

- 2.4 A new section for petition discussion has been added (Section 6), however it should be noted that this section does not replace the current governance arrangements regarding petitions at KCC and TMBC.
- 2.5 The revised Agreement no longer includes the 2001 protocol for Overview and Scrutiny – Inter Authority Co-operation as it was the view of the Districts and Boroughs it was no longer necessary.
- 2.6 Other changes such as to paragraphs 3 (Chairman) and section 8.1 (Executive Action) are intended to simplify language used.

3. Financial Implications

- 3.1 There are no financial implications of the proposed amendments.

4. Legal implications

- 4.1 The revised Agreement will need to be signed and ratified between KCC and TMBC. It is therefore necessary that each Council endorses the amendments in accordance with its own governance procedures.
- 4.2 There are no additional direct legal implications from the revised Agreement.

5. Equalities and data protection implications

- 5.1 There are no equalities or data protection implications resulting from the revised Agreement.

6. Recommendation

- 6.1 The JTB is asked to consider the revised Agreement which has been formally endorsed by the KCC Cabinet Member for Planning, Highways and Waste and by the TMBC Cabinet for Planning & Infrastructure.
- 6.2 The revised Agreement, together with any comments from the JTB be reported to TMBC's forthcoming Advisory Board and Cabinet for approval.

7. Appendices

- **Appendix A:** Revised JTB Agreement

DATED (DAY/MONTH/YEAR)

KENT COUNTY COUNCIL

-and-

TONBRIDGE AND MALLING COUNCIL

**AGREEMENT ON
JOINT TRANSPORTATION BOARD**

Legal & Secretariat
Kent County Council
County Hall
Maidstone
Kent ME14 1XQ

File ref:
Fax No: 01622 694402
WP Ref:
DX No:
Tel:

THIS DEED OF AGREEMENT is made the (day) of (month) two thousand and nineteen between THE KENT COUNTY COUNCIL of County Hall Maidstone Kent ME14 1XQ of the one part (hereinafter referred to as “KCC”) and TONBRIDGE & MALLING BOROUGH COUNCIL of (Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ) (hereinafter referred to as the “TMBC”) of the other part.

In this Agreement the words and expressions contained or referred to hereunder shall have the meaning thereby ascribed to them in the Second Schedule. The clause headings do not form part of this Agreement and shall not be taken in its construction or interpretation.

WHEREAS:

1. KCC and the TMBC are local authorities as defined by Section 270(1) of the 1972 Act.
2. By virtue of Section 1(2) of the 1972 Act KCC is the local highway authority for all the highways in the County of Kent whether or not maintainable at the public expense (and which are not highways for which the Secretary of State for Transport is the highway authority) and is by enactments also the traffic authority and street works authority.
3. KCC and the TMBC have agreed to act together to continue with certain democratic arrangements previously established in relation to highway issues.
4. This Agreement reflects the intention of KCC and the TMBC to co-operate regarding highway and transportation issues in the interests of the residents of Kent and supersedes that of the current agreement.

DEFINITIONS AND INTERPRETATIONS

5. In this Agreement unless the context otherwise requires the following terms shall have the following meanings:

“1972 Act”	:	the Local Government Act 1972
“Agreement”	:	these terms and conditions together the First Schedule
“Authorities”	:	the Council and KCC
“Council - local member”	:	an elected member of the Council
“JTB Members”	:	KCC - local members and TMBC - local members who have been appointed to membership of the JTB
“KCC – local member”	:	the elected member for KCC’s electoral divisions within the Council’s administrative area

COMMENCEMENT AND OPERATING TERM

6. This Agreement shall commence on the effective date on the face hereof and shall continue until terminated by either party in writing in accordance with the provisions of this Agreement.

TMBC OBLIGATIONS

7. TMBC shall establish and maintain during the currency of this Agreement the arrangements for the Joint Transportation Board as set out in the First Schedule.

KCC OBLIGATIONS

8. KCC shall establish and maintain during the currency of this Agreement the arrangements for the Joint Transportation Board as set out in the First Schedule.

MISCELLANEOUS

9. The parties acknowledge that amendments to the constitutions of KCC and/or TMBC may result in the need for consequential changes to this Agreement.
10. This Agreement shall be known as the JTB Agreement.
11. Nothing in this Agreement shall create a legal partnership between the parties and save as may be specifically provided in this Agreement neither party shall be or hold itself out as or permit itself to be held out as :-
 - a) the agent of the other; or
 - b) entitled to pledge the credit of the other; or
 - c) entitled to incur any other obligations or make any promise or representation on behalf of the other.

REVIEW

12. This Agreement shall be reviewed every four years or sooner at the instigation of both parties and amended by agreement between the parties if necessary, as a consequence of any review.
13. This Agreement may be terminated by either party on six months written notice addressed to TMBC's Chief Executive/KCC's Corporate Director responsible for Highways and Transportation.

FIRST SCHEDULE

Joint Transportation Boards

- 1.1 A Joint Transportation Board (JTB) shall be established by the Authorities.
- 1.2 Each Authority shall be responsible for its own costs incurred in the operation of the JTB.
- 1.3 The JTB shall be a non-statutory advisory forum.

Membership

- 2.1 JTB membership shall comprise all KCC - local members with an equal number of TMBC - local members appointed by the Borough Council. JTB Members will have voting rights. TMBC may appoint substitutes for its JTB Members.
- 2.2 The JTB shall agree a number of Parish/Town council representatives, not less than one and no greater than three from within TMBC's administrative area. Parish/Town council representatives shall be nominated by the area committee of the Kent Association of Local Councils or other representative body for Parish/Town Councils within the Council's administrative area if this provides a more complete representation. Substitute members may also be nominated. Such representatives will be able to speak on any item on the agenda.
- 2.3

- 2.4 Any JTB Member may request of the Chairman an item to be considered for inclusion on the JTB agenda. Any TMBC - local member may attend and speak at a meeting of the JTB but may not vote nor propose a motion or an amendment.

The Chairman of any Parish/Town Council within the administrative area of the TMBC (or a Parish/Town councillor of that Parish/Town Council nominated by him/her) may attend any meeting to speak with the permission of the Chairman on any item on the agenda of particular reference to that Parish/Town council.

Chairman

- 3.1 The Chairman and Vice Chairman shall alternate on an annual basis between a KCC local member (who is a JTB Member) and a TMBC local member (who is a JTB Member).

Meetings

- 4.1 The JTB shall generally meet four times a year on dates and at times and venues to be specified by the Borough Council in accordance with its normal constitutional arrangements in consultation with KCC.
- 4.2 Six weeks prior to each JTB meeting the Chairman, Vice-Chairman and relevant officers from the Authorities will discuss and set the agenda for the forthcoming meeting. The final decision on agenda items shall be determined by the Chairman in consultation with the Vice Chairman. Agenda items will be split between Part A (recommendations for decision by KCC), Part B (recommendations for decisions by TMBC) and 'for information' reports.

- 4.3 The quorum for a JTB meeting shall be four comprising at least two voting KCC local-members and two TMBC – local members who are also JTB Members.
- 4.4 Subject to the procedural rules in paragraphs 2, 3, 4.2 and 4.3 above taking precedence, TMBC’s procedural rules shall apply to JTB meetings as if they were TMBC committees.
- 4.5 The JTB will be clerked by an officer of TMBC. Officers of the Authorities shall be expected to attend JTB meetings to present reports.
- 4.6 The access to information principles shall be applied to the JTB as if it were a Council committee.
- 4.7 The clerk shall produce minutes of the meeting, a copy of which shall be sent to KCC.

Terms of reference

- 5.1 The role of the JTB is to advise the relevant Authority on highways and transportation works scheduled and completed. The JTB shall consider:
 - i. capital and revenue funded works programmes;
 - ii. traffic regulation orders;
 - iii. street management proposals.
- 5.2 The JTB may advise and recommend in relation to:
 - i. strategic parking and waiting restriction issues;
 - ii. petitions received in relation to parking and waiting restrictions;
 - iii. street lighting schemes on highways;
 - iv. local transport strategy.
- 5.3 The JTB shall be a forum for consultation between the Authorities on policies, plans and strategies related to highways, road traffic and public transport.
- 5.4 The JTB shall review the progress and out turn of works and business performance indicators.
- 5.5 The JTB shall receive reports on highways and transportation needs within the administrative area of TMBC.

Petition Discussions

- 6.1 Where a petition is agreed as being appropriate for discussion at the JTB, it shall be received at a meeting of the JTB. No further discussion shall take place on the petition until the next meeting of the JTB.
- 6.2 The lead petitioner shall be invited to submit a written statement of up to 500 words which should be sent to the Borough Council to arrive by 5pm one week prior to the next JTB meeting. At that meeting, the lead petitioner shall be invited to speak for no more than three minutes.

6.3 The JTB shall not debate a petition on the same decision/issue as one debated in the previous twelve months.

Overview and Scrutiny

7.1 The Authorities' Overview and Scrutiny Committees or equivalent may invite the JTB Chairman or Vice Chairman to attend their meetings to make representations, answer questions or give evidence. This is without prejudice to any ability of the Overview and Scrutiny Committees or equivalent of the Authorities to compel attendance of executive members and officers under Section 21 of the Local Government Act 2000.

Executive Action

8.1 JTB advice/views shall be submitted to the Authorities' Cabinet in accordance with the Authorities' constitutional arrangements.

EXECUTED as a DEED by KCC and TMBC the day and year first before written

THE COMMON SEAL of the KENT)
COUNTY COUNCIL was hereunto)
affixed in the presence of:-

Authorised Signatory

THE COMMON SEAL of TONBRIDGE & MALLING BOROUGH COUNCIL was hereunto)
affixed In the presence of:-

Authorised Signatory

Agenda Item 12

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 13

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Agenda Item 15

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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