

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 16th March, 2021

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 Mrs S Bell, V M C Branson, R W Dalton, Mrs T Dean, M A J Hood, Mrs A S Oakley, L J O'Toole, W E Palmer, H S Rogers, J L Sergison and T B Shaw were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 21/35 DECLARATIONS OF INTEREST

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

CB 21/36 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 11 February 2021 be approved as a correct record and signed by the Chairman.

CB 21/37 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 9 February 2021
- Communities and Housing Advisory Board of 16 February 2021
- Economic Regeneration Advisory Board of 17 February 2021
- Planning and Transportation Advisory Board of 2 March 2021

RESOLVED: That the report be received and noted.

CB 21/38 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 4 February 2021
- Tonbridge Forum of 1 March 2021
- Joint Transportation Board of 8 March 2021

RESOLVED: That the report be received and noted.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 21/39 LEYBOURNE LAKES COUNTRY PARK - NEW LAKESIDE FACILITY

The report of the Director of Street Scene, Leisure and Technical Services provided an update on funding for the Leybourne Lakes Country Park new lakeside facility and recommended a budget increase funded entirely from specific developer contributions.

A detailed review of the build cost plan undertaken in liaison with consultants had resulted in savings being identified. Although this had reduced the build cost to £774,000 the project was £12,300 over budget. However, with such a small budget shortfall and further developer contributions identified, there was confidence that the project could be fully externally funded and should proceed to the 'cost certainty' stage.

RECOMMENDED: That, in order to ensure the delivery of the project and following assessment of Stage 1 (cost confidence), it be commended to Council that the budget for the project be increased to £774,000 with the excess being funded from specific developer contributions.

***Referred to Council**

CB 21/40 VIRTUAL MEETINGS AND HOMEWORKING

Consideration was given to the recommendations from the meeting of the Overview and Scrutiny Committee of 11 March 2021 (as set out at Minute Number OS 21/10).

RECOMMENDED: That

- (1) the amended Protocol, at Annex 2, be approved;
- (2) subject to noting the comments related to the use of Chairman's 'discretion', the amended temporary arrangements for Public Speaking, at Annex 2, be approved;
- (3) the Protocol for Use for Video-conferencing Facilities would continue to apply in the event that the Borough Council was lawfully able to hold remote meetings, whether under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility

of Local Authority and Police and Crime Plan Meetings) (England and Wales) Regulations 2020 or other enabling legislation; and

- (4) support for the continuation of livestreaming of meetings, in whatever format, be noted.

***Referred to Council**

**DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE
CONSTITUTION - EXECUTIVE KEY DECISIONS**

CB 21/41 TONBRIDGE ALLOTMENTS ASSOCIATION - PROPOSED CHARGES

Decision Notice D210036CAB

Consideration was given to the recommendations from the meeting of the Communities and Housing Advisory Board of 16 February 2021 (as set out at Minute Number CH 21/3).

RESOLVED: That the proposed charges brought forward by the Tonbridge Allotments and Gardens Association, as detailed, in the report be agreed.

CB 21/42 CHANGES TO ON-STREET PARKING FEES AND CHARGES

Decision Notice D210037CAB

Consideration was given to the recommendations from the meeting of the Joint Transportation Board of 8 February 2021 (as set out at Minute Number JTB 21/3).

RESOLVED: That the recommendations of the Joint Transportation Board of 8 March 2021 and the Street Scene and Environment Services Advisory Board of 30 October 2019 be approved as follows:

- (1) in relation to the on-street Pay and Display charges the appropriate Traffic Regulation Order be made to facilitate the variation to charges, as set out at Annex 1;
- (2) in relation to the on-street permit charges, the objections be set aside and the appropriate Traffic Regulation Order be made to facilitate the variation to charges as set out at Annex 1.

**DECISION TAKEN IN ACCORDANCE WITH PART 3 OF THE
CONSTITUTION - EXECUTIVE NON-KEY DECISIONS**

CB 21/43 CORONAVIRUS UPDATE

Decision Notice D210038CAB

The report of the Chief Executive provided an update as to how the Borough Council and its communities continued to respond and adapt to living with coronavirus and recommended that the ongoing actions were endorsed.

RESOLVED: That the Borough Council's ongoing actions in respect of the response to Covid-19 be endorsed.

CB 21/44 NEW HOMES BONUS SCHEME

Decision Notice D210039CAB

The report of the Management Team set out an indicative response to 'The Future of the New Homes Bonus' consultation recently published by the Government. The deadline for responses was 7 April 2021.

Concern was expressed that the proposals could have a significant financial impact on the Borough Council and that, dependent on the outcome of the consultation, the funding gap would be more than that currently reflected in the Medium Term Financial Strategy and, in turn put financial sustainability to greater and greater risk.

RESOLVED: That

- (1) the indicative response to 'The Future of the New Homes Bonus' consultation, attached at Annex 1, be approved in principle; and
- (2) delegated authority be given to the Leader and the Cabinet Members for Finance, Innovation and Property and Strategic Planning and Infrastructure, in liaison with the Chairman and Vice-Chairmen of the Overview and Scrutiny Committee, to make any appropriate adjustments to the indicative response should any new information need to be added in advance of the deadline of 7 April 2021.

**CB 21/45 EAST PECKHAM PARISH COUNCIL - REQUEST FOR A
COMPULSORY PURCHASE ORDER**

Decision Notice D210040CAB

The report of the Director of Central Services and Deputy Chief Executive advised that East Peckham Parish Council had asked the

Borough Council to make a Compulsory Purchase Order (CPO) in respect of allotment land at Church Lane, East Peckham.

The making of a CPO on behalf of the Parish Council in the circumstances set out in the report presented a low risk to the Borough Council provided that an appropriate costs indemnity agreement was in place.

RESOLVED: That, subject to East Peckham Parish Council entering into a CPO Indemnity Agreement on terms acceptable to the Director of Central Services and the Deputy Chief Executive:

- (1) a Compulsory Purchase Order under s.39 of the Small Holdings and Allotments Act 1908 be made on behalf of the Parish Council in respect of the allotment land at Church Lane, East Peckham;
- (2) any further decisions required for the preparation, drafting, completion, making and submission of the Compulsory Purchase Order to the Secretary of State be delegated to the Director of Central Services and Deputy Chief Executive; and
- (3) in the event that the Order was confirmed by the Secretary of State, authority to service such notices or make such General Vesting Declarations as are required to give effect to the Order and vest the title of the land to the Parish Council be delegated to the Director of Central Services and Deputy Chief Executive.

CB 21/46 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

CB 21/47 DEBTS FOR WRITE-OFF

(Reasons: LGA 1972 – Sch 12A Paragraph 2 – Information likely to reveal information about an individual)

Decision Notice D210041CAB

The report of the Director of Finance and Transformation sought approval for the writing-off of debts considered to be irrecoverable.

RESOLVED: That the item shown in the schedule of amounts over £5,000 totalling £11,755.30 be written off the reason stated within the schedule, attached at Annex 1.

The meeting ended at 8.20 pm