

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet

Decision No: D220079CAB

Decision Type: Key

Date: 07 September 2022

Decision(s) and Reason(s)

Statement of Community Involvement

Consideration of recommendation HP 22/5 from the meeting of the Housing and Planning Scrutiny Select Committee of 19 July 2022.

Members attention was drawn to two amendments that had arisen since the meeting of the Housing and Planning Scrutiny Select Committee as detailed below:

(1) Page 7, first paragraph, to read:

‘Local Authorities are required to publish all consultation documents on their website and make copies available at the Council offices, in the case of Tonbridge and Malling this is the Gibson Building, Kings Hill and Gateway at Tonbridge Castle (unless this is unachievable due to national or local lockdowns associated with the Covid-19 pandemic).’

(2) Page 8, first sentence, to read:

‘Place notices on Council owned boards and those owned by parish councils.’

The Cabinet RESOLVED that:

(1) subject to the two amendments set out above, the Statement of Community Involvement be adopted for development management and planning policy purposes

Reasons: As set out in the report of the Housing and Planning Scrutiny Select Committee of 19 July 2022.

Signed Chief Executive:

J Beilby

Date of publication:

9 September 2022

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

Decision Taken By: Cabinet
Decision No: D220080CAB
Decision Type: Key
Date: 07 September 2022

Decision(s) and Reason(s)

Regulation 18 Local Plan

Consideration of recommendation HP 22/12 from the meeting of the Housing and Planning Scrutiny Select Committee of 6 September 2022.

Further to the recommendation of the Scrutiny Select Committee, the Director of Planning, Housing and Environmental Health confirmed that the Members views in respect of the General Data Protection Rules (GDPR) would be given due regard as part of the consultation process and that the Urban Capacity Study specification and methodology would be circulated to Members under confidential cover as soon as possible. In addition, a number of factual points had been raised and these would be clarified and corrected if appropriate before the consultation was published.

The Cabinet RESOLVED that:

- (1) the commencement of the Regulation 18 consultation on the draft Local Plan and Interim Sustainability Appraisal be approved;
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health for any minor amendments, including typographical corrections, to the Regulation 18 consultation on the draft Local Plan; and
- (3) the publishing of evidence base documents, as set out in Annex 2 to the report, alongside the draft Local Plan be approved.

Reasons: As set out in the report to the Housing and Planning Scrutiny Select Committee of 6 September 2022

Signed Chief Executive: J Beilby

Date of publication: 9 September 2022

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

Decision Taken By: Cabinet
Decision No: D220081CAB
Decision Type: Key
Date: 07 September 2022

Decision(s) and Reason(s)

Housing Allocations Scheme Review

(Report of Director of Planning, Housing and Environmental Health)

Consideration was given to a revised Housing Allocations Scheme which had been amended to reflect several significant changes in legislation including the introduction of the Homelessness Reduction Act 2017 and the Domestic Abuse Act 2021. The opportunity was also taken to ensure that the Tonbridge and Malling Borough Council Scheme was fit for purpose and legislatively correct.

Any changes to an allocations scheme required local authorities to engage with housing providers operating in the local area to ensure they had a reasonable opportunity to comment on the proposals. In addition, the guidance advised that when an alteration was made which reflected a major change of policy then the local authority had to notify those affected by the changes and have the effect of that change brought to their attention.

Particular reference was made to the implementation of new IT systems used by Kent Homechoice Partnership for the administration of the Housing Register. As a result, it was proposed that the launch of the Housing Allocations Scheme was delayed until late Spring 2023 to co-ordinate with these changes.

After careful consideration of the legal implications, the financial and value for money considerations and the equality impact assessment, **the Cabinet RESOLVED that:**

- (1) the draft Housing Allocations Scheme (set out at Appendix B) be approved;
- (2) responsibility for agreeing and implementing the final version of the Scheme, following the required engagement, be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Housing; and
- (3) the implementation of the new Scheme in line with the implementation of the new housing system, due to be launched in Spring 2023, be approved.

Reasons: As set out in the report submitted to Cabinet of 7 September 2022

Signed Chief Executive: J Beilby

Date of publication: 9 September 2022

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Decision Taken By: Cabinet
Decision No: D220082CAB
Decision Type: Non Key
Date: 07 September 2022

Decision(s) and Reason(s)

Highway Officer Attendance at TMBC Area Planning Committees

Consideration of recommendation HP 22/6 from the meeting of the Housing and Planning Scrutiny Select Committee of 19 July 2022.

The Cabinet RESOLVED that:

- (1) the contents of the report presented to the Scrutiny Select Committee be noted;
- (2) the concerns of Members with not having an agreed protocol in place be set out and relayed to the County Cabinet Member for Highways and Transport; and
- (3) a Member and Senior Officer Group be established to liaise with Kent County Council with the aim to seek a compromise on an agreed protocol, articulating a counter proposal from Tonbridge and Malling Borough Council

Reasons: As set out in the report submitted to Housing and Planning Scrutiny Select Committee of 19 July 2022

Signed Chief Executive: J Beilby

Date of publication: 9 September 2022

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Decision Taken By: Cabinet
Decision No: D220083CAB
Decision Type: Non Key
Date: 07 September 2022

Decision(s) and Reason(s)

Executive Scrutiny Protocol

Consideration of recommendation OS 22/24 from the meeting of the Overview and Scrutiny Committee of 7 July 2022.

The Cabinet RESOLVED that:

Subject to the:

- clarification of the wording of the Protocol with regard to access to key information (in accordance with paragraph 40 of the Statutory Guidance) in consultation with the Leader and Chair of the Overview and Scrutiny Committee; and
- amendment of 'expectations of Cabinet' so that the first paragraph read as follows:

'It is expected that Cabinet Portfolio Holders should attend meetings of the Overview and Scrutiny Committee in person, when requested, to present reports relevant to their portfolio and answer any relevant questions. Where a Portfolio Holder is unable to attend on a particular date it is expected that another Portfolio Holder or the Leader will attend on their behalf.'

the draft Protocol (as set out at Annex 1 to the report) be approved.

Reasons: As set out in the report submitted to Overview and Scrutiny Committee of 7 July 2022

Signed Chief Executive: J Beilby

Date of publication: 9 September 2022

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

Decision Taken By: Cabinet
Decision No: D220084CAB
Decision Type: Non Key
Date: 07 September 2022

Decision(s) and Reason(s)

East Peckham Allotments - Compulsory Purchase Order

(Report of Director of Central Services and Deputy Chief Executive)

Further to Decision Notice [D210040CAB](#) of 16 March 2021, the report of the Director of Central Services and Deputy Chief Executive advised that East Peckham Parish Council had secured alternative land for the provision of allotments. Consequently, they no longer wished to pursue the Compulsory Purchase Order as previously agreed.

Cabinet considered whether to continue with the Compulsory Purchase Order to acquire the land as allotments to be administered by the Borough Council or to discontinue with making the Order.

Having had regard to the legal implications, the financial and value for money considerations and the risk assessment detailed in the report, **the Cabinet RESOLVED that:**

- (1) the making of a Compulsory Purchase Order under s.39(7) of the Small Holdings and Allotments Act 1908 in relation to land at Church Lane, East Peckham be discontinued.

Reasons: As set out in the report submitted to Cabinet of 7 September 2022

Signed Chief Executive: J Beilby

Date of publication: 9 September 2022

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Decision Taken By: Cabinet
Decision No: D220085CAB
Decision Type: Non Key
Date: 07 September 2022

Decision(s) and Reason(s)

Covid-19 Additional Relief Fund Policy

(Report of Director of Finance and Transformation)

The report outlined proposed changes to the current Covid-19 Additional Relief Fund and set out a number of options to maximise the amount of relief that could be awarded to local businesses.

It was noted that £329,672 of the original allocation provided by Government during the pandemic remained unspent and this would be returned when the deadline for award relief expired on 30 September 2022.

Careful consideration was given to the options set out in the report, together with the legal implications and the financial and value for money implications. Given the current economic climate, the Cabinet felt that local businesses could benefit from additional discretionary relief funding and on balance felt that a combination of Options B and C represented best value for money and financial support. This would provide businesses with grant funding totalling approximately £312,000.

The Cabinet RESOLVED that:

- (1) Options B and C, to increase the rateable value limit to £109,999 and include advertising rights in the list of eligible properties be progressed with immediate effect.

Reasons: As set out in the report submitted to Cabinet of 7 September 2022

Signed Chief Executive: J Beilby

Date of publication: 9 September 2022

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Decision Taken By: Cabinet
Decision No: D220086CAB
Decision Type: Non Key
Date: 07 September 2022

Decision(s) and Reason(s)

Saturday Freighter Service

(Joint report of the Cabinet Member for Technical and Waste Services and the Director of Street Scene, Leisure and Technical Services)

Following its temporary suspension, Cabinet considered the future of the Saturday Freighter Service. Consideration was also given to recommendation CE 22/5 (1) from the Communities and Environment Scrutiny Select Committee of 20 July 2022.

Careful consideration was given to the fact that the service did not encourage recycling; none of the waste collected, apart from electrical items, could be recycled; alternative disposal opportunities were now available to residents (as detailed in 1.3 of the report) including the recent opening of KCC's Household Waste Recycling Centre at Allington; environmental factors; that there appeared to be no correlation between the level of incidents of fly tipping and the continued suspension of the service and customer feedback.

Particular reference was made to the financial and value for money considerations (as detailed in 1.9 of the report) and it was recognised that the reinstatement of the service would impact on the income received by the Borough Council from the bookable bulky collection service and the recycling Performance Payments received from KCC. However, the impact of either of these elements was difficult to estimate.

It was also noted that a Saturday Freighter was not provided by other local authorities in Kent, with the exception of Tunbridge Wells Borough Council, and the service was discretionary.

On the grounds that alternative opportunities for the disposal of bulky items existed, that data suggested no correlation between increased fly tipping and the suspension of the service, that the service did not promote or incentivise residents to recycle and did not support the Borough Council's Climate Change Strategy and that the non-reinstatement of the service would deliver a saving compared to the current budget provision **Cabinet RESOLVED that:**

- (1) the recommendation of the Communities and Environment Scrutiny Select Committee to remove the Saturday Freighter Service be approved.

Reasons: As set out in the report submitted to Communities and Environment Scrutiny Select Committee of 20 July 2022

Signed Chief Executive:

J Beilby

Date of publication:

9 September 2022

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Decision Taken By: Cabinet

Decision No: D220087CAB

Decision Type: Key

Date: 07 September 2022

Decision(s) and Reason(s)

Household Bulky Refuse Collection Service

(Reasons: LGA 1972 Schedule 12A Paragraph 3 – Financial or business affairs of any particular person)

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

The report set out options for fees and charges for the provision of services in respect of household bulky refuse and fridge/freezer collections and suggested a marketing campaign for the Service.

The Cabinet **RESOLVED** that:

- (1)** the concessionary fee for those in receipt of Council Tax Reduction be reduced to £12 and the level of concessionary collections be reduced to two per year and implemented within 2022/23; and
- (2)** the subsidy fee levied should be increased in line with the projected contract indexation, as per inflation, levels from 1 April 2023.

Reasons: As set out in the report submitted to Cabinet of 7 September 2022 (contains exempt information)

Signed Chief Executive:

J Beilby

Date of publication:

9 September 2022

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Decision Taken By: Cabinet

Decision No: D220088CAB

Decision Type: Non Key

Date: 07 September 2022

Decision(s) and Reason(s)

Gibson Building - High Level Options for Long Term Officer Accommodation

(Reasons: LGA 1972 Sch 12A Paragraphs 3 and 5 – Financial or business affairs of any particular person and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.)

Report of Director of Central Services and Deputy Chief Executive

The report provided an update on progress with reviewing the Borough Council's office accommodation requirements. Consideration was also given to the recommendations of the Finance, Regeneration and Property Scrutiny Select Committee of 26 July 2022.

The Cabinet RESOLVED that:

- (1) the options set out in the report to the Finance, Regeneration and Property Scrutiny Select Committee be noted;
- (2) the view that the main offices of the Borough Council should continue to be located in Kings Hill be supported;
- (3) the view that the co-location arrangement with Kent Police should continue, if a suitable solution was identified be supported;
- (4) Officers be instructed to progress the further actions recommended by Counsel in respect of the removal of covenants (as set out in Annex 2 to the report);
- (5) Officers be asked to carry out further investigation into the feasibility of Option 4 (as detailed in the report), including negotiating a settlement with Kent County Council on the alteration/removal of the covenants; and
- (6) a further progress report be presented to the Finance, Regeneration and Property Scrutiny Select Committee in due course.

Reasons: As set out in the report submitted to Cabinet of 7 September 2022 (contains exempt information)

Signed Chief Executive:

J Beilby

Date of publication:

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