

# TONBRIDGE AND MALLING BOROUGH COUNCIL

## CABINET

## MINUTES

Tuesday, 4th April, 2023

**Present:** Cllr M D Boughton (Chairman), Cllr V M C Branson, Cllr M A Coffin, Cllr D A S Davis, Cllr D Keers, Cllr P J Montague and Cllr K B Tanner.

**In attendance:** Cllr M A J Hood was also present pursuant to Access to Information Rule No 23.

**Virtual:** Cllrs Mrs S Bell, Mrs A S Oakley and M R Rhodes participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Access to Information Rule No 23.

An apology for absence was received from Councillor R P Betts.

### PART 1 - PUBLIC

#### **CB 23/36 DECLARATIONS OF INTEREST**

Councillor M Boughton declared an Other Significant Interest in the agenda item relating to Voluntary and Community Sector Grants on the grounds that he was a representative appointed by the Council to sit on the Board of the Citizen's Advice Bureau. He withdrew from the meeting and did not participate in the discussion on this matter and did not vote on any proposals.

#### **CB 23/37 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 7 March 2023 be approved as a correct record and signed by the Chairman.

### DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

#### EXECUTIVE KEY DECISION

#### **CB 23/38 IMPLICATIONS OF NPPF CONSULTATION ON LOCAL PLAN**

Decision Notice D230030CAB

Consideration was given to the recommendation of the Housing and Planning Scrutiny Select Committee on 21 March 2023 (HP 23/4).

**RESOLVED:** That

- (1) the implications of the proposed 'Levelling-up and Regeneration Bill: Reforms to National Planning Policy', as set out in Annex 1, be noted;
- (2) the Borough Council progressed the Local Plan under the current arrangements, as outlined in Option 1 in the report, and;
- (3) a new Local Development Scheme with more detailed financial implications be brought to a future meeting of the Housing and Planning Scrutiny Select Committee in Summer 2023.

**EXECUTIVE NON-KEY DECISIONS****CB 23/39 OUTCOMES AND ACHIEVEMENTS OF THE IT STRATEGY AND DIGITAL STRATEGY**

Decision Notice D230031CAB

The report focused on informing Members of the impact the Council's IT and Digital strategies have had on the organisation over the last 4 year period. Both strategies were customer-centric and aligned to underpin the Council's ambition to improve the customer experience in terms of quality and the efficiency of the services provided.

The report highlighted the measurable outcomes against the overall vision set out in the strategies.

It was noted that these outcomes exemplified the pragmatism and foresight adopted by the Borough Council which had enabled ambitious and transformative strategies to be implemented in such a short timescale.

Work on developing new Strategies for a further period was underway and a draft would be brought to Members for consideration in due course.

**RESOLVED:** That

- (1) the outcomes and achievements of the IT Strategy 2018-2023 and the Digital Strategy 2019-2023 be noted; and
- (2) a new Corporate IT and Digital Strategy be developed and presented for consideration to a future meeting of the Cabinet during 2023.

**CB 23/40 COMMUNITY DEVELOPMENT GRANT SCHEME**

Decision Notice D230032CAB

The report of the Chief Executive set out details of the Community Development Grant Scheme and sought approval to launch in April 2023. An allocation of £165,269 from the UK Shared Prosperity Fund would be used to fund this community grant scheme over a two year period.

Careful consideration was given to the funding priorities for 2023/24, the grant application process and the legal, financial and value for money implications. It was also recognised that the application process had been designed to minimise risk, with assessments based on set criteria.

**RESOLVED:** That the Community Development Grant Scheme, as detailed in the report, be endorsed.

**CB 23/41 BLUE BELL HILL COMMUTER CAR PARK**

Decision Notice D230033CAB

The joint report of the Director of Street Scene, Leisure and Technical Services, Cabinet Member for Technical and Waste Services and Cabinet Member for Community Services provided details of the current issues at Blue Bell Hill commuter car park and sought Member's instructions as to future arrangements.

The site was acquired in December 2003 from Kent County Council and included two covenants aimed at restricting the use of the site, the first stating that Tonbridge and Malling Borough Council was not to use the land for any purpose other than as a 'public commuter car park. Prior to the pandemic, the site was successfully operated as a commuter car park serving a number of private bus services that operated to London, but since the pandemic, the income from the car park had naturally declined, therefore the current operating model for the car park was not an efficient use of resources and was considered to be unsustainable.

Furthermore, there were significant concerns in respect of anti-social behaviour on the site and the noise and general nuisance which related to vehicles was a major concern to local residents who continued to report issues.

After careful consideration of the financial and value for money implications and the ongoing anti-social behaviour, Cabinet

**RESOLVED:** That

- (1) the Blue Bell Hill commuter car park be closed and the site secured to prevent any pedestrian and vehicular access; and

- (2) future opportunities for alternative use of the site be explored with Kent County Council.

### **CB 23/42 VOLUNTARY AND COMMUNITY SECTOR GRANTS**

Decision Notice D230034CAB

The report of the Chief Executive reviewed and noted progress against Service Level Agreements for ongoing grants and considered future funding in respect of Citizens Advice North and West Kent.

A summary of each organisations progress achieved against the objectives set out in their Service Level Agreements were attached at Annexes 1, 2, 3 and 4 for information.

After careful consideration of the legal, financial and value for money implications, Cabinet

**RESOLVED:** That

- (1) the good progress and support provided to residents from Involve, Imago, the Mediation Schemes and Age UK Sevenoaks and Tonbridge be noted; and
- (2) based on the good progress and the support provided to residents from CANWK grant funding of £95,000, as set out in the report, be agreed for the financial year 2023/24.

### **CB 23/43 TMBC OWNED SITES - LOCAL PLAN**

Decision Notice D230035CAB

Consideration was given to the recommendation of the Finance, Regeneration and Property Scrutiny Select Committee on 14 March 2023 (FRP 23/4).

**RESOLVED:** That all sites set out at Annex 1 to the report, be considered as unavailable for development when formally responding to the letter from the Local Planning Authority, once received, regarding TMBC owned sites identified in the Urban Capacity Study.

### **CB 23/44 S106 MATTERS**

Decision Notice D230036CAB

The report of the Director of Planning, Housing and Environmental Health provided an updated S106 Protocol and new monitoring structure for S106 monies for consideration. In addition, an update on the recently published Infrastructure Delivery Statement was provided.

Careful consideration was given to the recommendation of the Overview and Scrutiny Committee on 26 January 2023 (OS 23/6), the legal, financial and value for money implications and the risk assessment. Consideration was also given to the representations submitted by Kent County Council following further discussion. However, it was noted that this level of detail was not required in the amended Protocol and there were no changes recommended to the Protocol that was agreed in principle by the Overview and Scrutiny Committee.

**RESOLVED:** That

- (1) the revised S106 Protocol and process, including the new monitoring structure be approved; and
- (2) the recently approved and published Infrastructure Funding Statement 21/22 be noted.

### **MATTERS SUBMITTED FOR INFORMATION**

#### **CB 23/45 DECISIONS TAKEN BY CABINET MEMBERS**

Details of the Decisions taken in accordance with the rules for the making of decisions by executive members, as set out in Part 4 of the Constitution, were presented for information.

#### **CB 23/46 MINUTES OF PANELS, BOARDS AND OTHER GROUPS**

The Minutes of the Joint Transportation Board of 6 March 2023 were received and noted.

#### **CB 23/47 DECISIONS TAKEN UNDER EMERGENCY OR URGENCY PROVISIONS**

Details of the Decisions taken in accordance with emergency and/or urgency provisions were presented for information.

#### **CB 23/48 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.

**DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION****EXECUTIVE KEY DECISION****CB 23/49 NEW LEASE 20-28 MARTIN SQUARE, LARKFIELD**

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

Decision Notice D230037CAB

Careful consideration was given to proposals for a new lease at 20-28 Martin Square, Larkfield. The proposed terms of the lease were detailed in the report and five options in respect of the maisonettes were presented for consideration.

**RESOLVED:** That

- (1) Officers be instructed to investigate options 4 and 5, set out in 1.4.4 of the report, in relation to two maisonettes currently included within the lease and the findings reported to the Cabinet Member for Finance, Innovation and Property; and
- (2) authority be delegated to the Cabinet Member for Finance, Innovation and Property to approve the final terms of the lease to Alliance Property Holdings, specifically in relation to the inclusion or exclusion of the maisonettes and the level of rent, once the maisonettes appraisal has been completed.

The meeting ended at 8.43 pm