

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

To: MEMBERS OF THE COUNCIL

NB Background reports to items referred from Cabinet and Committees have been omitted from printed agenda packs.

Dear Sir/Madam

I hereby summon you to attend a meeting of the Tonbridge and Malling Borough Council which will be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 11th April, 2023 at 7.30 pm.

Information on how to observe the meeting will be published on the Council's website.

The following business is proposed to be transacted:-

1. Guidance on the Conduct of Meetings 3 - 4

PART 1 - PUBLIC

2. Apologies for absence 5 - 6

3. Declarations of interest

To declare any interests in respect of recommended items

4. Minutes 7 - 16

To confirm as a correct record the Minutes of the meeting of Council held on 21 February 2023

5. Mayor's Announcements

6. Questions from the public pursuant to Council Procedure Rule No 5.6 17 - 18

7. Questions from Members pursuant to Council Procedure Rule No 5.5 19 - 20

8. Leader's Announcements 21 - 22

Matters for Decision

9. Programme of Meetings 2023 - 2025 23 - 30

The programme of meetings for the municipal year 2023/24 is attached for consideration. Management Team, Senior Officers and Cabinet Members have been consulted on the proposed dates. The draft programme for 2024/25 is also attached for consideration. Subject to any amendments identified by Members the programmes will be presented to Annual Council for endorsement.

10. Animal Licensing Policy Consultation 31 - 62

Due to the timescale and print deadlines, the recommendations of the meeting of the Licensing and Appeals Committee held on 28 March 2023 will be circulated to Members in advance of the meeting of Council.

11. Reports, Minutes and Recommendations 63 - 64

To receive and consider reports, minutes and recommendations from the meetings of the Cabinet and Committees set out in the Minute Book and officers' reports on any matters arising from them, and to receive questions and answers on any of those reports.

Matters for Information

12. Decisions Taken Under Emergency or Urgency Provisions 65 - 68

The decisions taken under emergency and/or urgency provisions since the last meeting of Cabinet are attached.

13. Sealing of Documents

To authorise the Common Seal of the Council to be affixed to any Contract, Minute, Notice or other document requiring the same.

JULIE BEILBY
Chief Executive
Thursday, 30 March 2023

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business be discussed:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>
- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

Apologies for absence

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TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 21st February, 2023

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 21st February, 2023

Present: Her Worship the Mayor (Councillor Mrs S Bell), the Deputy Mayor (Councillor J R S Lark), Cllr Mrs J A Anderson, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr P Boxall, Cllr V M C Branson, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr A E Clark, Cllr M A Coffin, Cllr D J Cooper, Cllr R W Dalton, Cllr A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr N Foyle, Cllr S M Hammond, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr D W King, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr W E Palmer, Cllr M R Rhodes, Cllr R V Roud, Cllr T B Shaw, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr Miss G E Thomas, Cllr D Thornewell and Cllr C J Williams

Apologies for absence were received from Councillors M C Base, Mrs P A Bates, J L Botten, A Cope N J Heslop, A P J Keeley, Mrs F A Kemp, A Kennedy, H S Rogers, J L Sergison and F G Tombolis

(Note: Cllrs Mrs Bates and Sergison were unable to attend in person but listened to the debate via MS Teams).

PART 1 - PUBLIC

C 23/1 DECLARATIONS OF INTEREST

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

C 23/2 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 25 October 2022 be approved as a correct record and signed by the Mayor.

C 23/3 MAYOR'S ANNOUNCEMENTS

The Mayor advised of a number of engagements attended since the last meeting of Council and made particular reference to the following civic and charity events:

- The Borough Council's Armistice Day Service at Tonbridge War Memorial
- Tonbridge Remembrance Service
- Snodland Remembrance Day Service
- Traditional Christmas Afternoon Tea at Bradbourne House

Arrangements were being finalised for future civic and charity events and the following were noted:

- Mayor's Charity Cheque Presentation – Date to be confirmed
- Annual Council – 16 May 2023

Finally, the Mayor thanked the Deputy Mayor for attending a number of events on their behalf.

C 23/4 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

No questions were received from members of the public pursuant to Council Procedure Rule No 5.6.

C 23/5 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

No questions were received from Members pursuant to Council Procedure Rule No 5.5.

C 23/6 LEADER'S ANNOUNCEMENTS

The Leader reminded Members of the Councils legal obligation to set a balanced budget for 2023/24. This was the greatest responsibility that Borough Councillors had and getting it right ensured that Tonbridge and Malling remained one of the best places in the county to live, work and socialise.

Budget setting had been conducted in a cross party manner and this approach was welcomed by the Leader and Group Leaders and the budget proposals had passed through the Committee cycle with unanimous support.

Particular reference was made to the support provided to vulnerable residents across the community during a challenging winter period. The Borough Council had ensured that significant funds had been distributed to those in most need via the Household Support Fund.

The importance of economic growth in the Borough was understood and the Borough Council had committed to assisting small businesses in these uncertain times by signing up to the Federation of Small Businesses Local Leadership Pledge.

Other points highlighted included:

- Castlemas and the Borough Council continued to pursue payment on behalf of suppliers, staff and contractors;
- The recently finished public consultation on the Community Strategy;
- The successful bid for UK Shared Prosperity Funding;
- The installation of covert CCTV to target fly tipping;
- Leybourne Lakes and Haysden Country Parks had received Natural England accreditation;
- The next stage of the Tonbridge Town Centre Asset Review would commence shortly and this would include an updated parking study to assess changes in usage of the Tonbridge car parks since the pandemic;
- The funding investment from the Football Foundation to replace pitches in Tonbridge and Aylesford; and
- The ongoing challenges in respect of significant planning applications and the potential for the Levelling Up and Regeneration Bill to address some of these issues.

Finally, the Leader was keen to promote the Borough as somewhere to live, work and socialise.

The full Leaders Announcements were available on the Borough Council's [YouTube channel](#)

MATTERS FOR DECISION

C 23/7 SETTING THE BUDGET 2023-24

Item CB 23/11 referred from the Cabinet minutes of 14 February 2023.

It was proposed by Councillor Coffin and seconded by Councillor Boughton that the recommendations at Minute CB 23/11 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllrs Mrs Anderson, Bell, Betts, Boughton, Boxall, Branson, Bridge, Brown, Cannon, Coffin, Cooper, Dalton, D Davis, M Davis, Dean, Foyle, Hammond, Harman, Hickmott, Hoskins, Hudson, Keers, King, Lark, D Lettington, R Lettington, Luker, Montague, Mrs Oakley, Palmer,

Rhodes, Roud, Shaw, Tanner, Tatton, Taylor, Thomas, Thornewell and Williams

Total: 39

Members voting against the motion:

Cllr Bishop

Total: 1

Members abstaining = Cllrs Clark and Hood

Total: 2

(Total number of Members eligible to vote = 42)

RESOLVED: That the recommendations at Minute CB 23/11 be approved

C 23/8 SETTING THE COUNCIL TAX 2023-24

Item CB 23/12 referred from the Cabinet minutes of 14 February 2023.

It was proposed by Councillor Coffin and seconded by Councillor Boughton that the recommendations at Minute CB 23/12 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllrs Mrs Anderson, Bell, Betts, Bishop, Boughton, Boxall, Branson, Bridge, Brown, Cannon, Clark, Coffin, Cooper, Dalton, D Davis, M Davis, Dean, Foyle, Hammond, Harman, Hickmott, Hood, Hoskins, Hudson, Keers, King, Lark, D Lettington, R Lettington, Luker, Montague, Mrs Oakley, Palmer, Rhodes, Roud, Shaw, Tanner, Tatton, Taylor, Thomas, Thornewell and Williams

Total: 42

Members voting against the motion = 0

Members abstaining = 0

(Total number of Members eligible to vote = 42)

RESOLVED: That the recommendations at Minute CB 23/12 be approved and the Council Tax Resolution 2023/24, as set out as an Annex to these Minutes, be adopted.

C 23/9 LOCAL COUNCIL TAX REDUCTION SCHEME

Item CB 23/12 referred from Cabinet minutes of 14 February 2023.

RESOLVED: That the draft Local Council Tax Reduction Scheme 2023/24 (attached as Annex 1) be approved.

C 23/10 CAPITAL PLAN REVIEW 2022-23

Item CB 23/14 referred from Cabinet minutes of 14 February 2023.

Members noted that the Capital Plan Review had been considered in detail by the Cabinet as part of the substantive item on Setting the Budget 2023/23 (Minute Number CB 23/11)

RESOLVED: That the recommendations at Minute CB 23/14 be noted

C 23/11 REVENUE ESTIMATES 2023/24

Item CB 23/15 referred from Cabinet minutes of 14 February 2023.

Members noted that the Revenue Estimates 2023/24 had been considered in detail by the Cabinet as part of the substantive item on Setting the Budget 2023/23 (Minute Number CB 23/11)

RESOLVED: That the recommendations at Minute CB 23/15 be noted.

C 23/12 AUDITOR'S ANNUAL REPORT

Item CB 23/16 referred from Cabinet minutes of 14 February 2023.

RESOLVED: That the recommendations at Minute CB 23/16 be approved

C 23/13 RISK MANAGEMENT

Item CB 23/17 referred from Cabinet minutes of 14 February 2023.

RESOLVED: That the recommendations at Minute CB 23/17 be approved

C 23/14 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2023-24

Item CB 23/18 referred from Cabinet minutes of 14 February 2023.

RESOLVED: That the recommendations at Minute CB 23/18 be approved

C 23/15 HOUSEHOLD RECYCLING AND WASTE SERVICE

Item CB 23/19 referred from Cabinet minutes of 14 February 2023.

In accordance with Council Procedure Rule 8.4 Councillor Bishop requested that a recorded vote be undertaken. This was seconded by Councillor Boxall.

Members voting for the motion: Cllrs Mrs Anderson, Bell, Betts, Boughton, Branson, Bridge, Brown, Cannon, Coffin, Cooper, Dalton, D Davis, M Davis, Foyle, Hammond, Harman, Hoskins, Hudson, Keers, King, Lark, D Lettington, R Lettington, Luker, Montague, Mrs Oakley, Palmer, Rhodes, Roud, Tanner, Taylor, Thomas, Thornevell and Williams.

Total = 34

Members voting against the motion: Cllrs Bishop, Boxall, Dean, Hickmott and Tatton

Total = 5

Members abstaining from the vote: Cllrs Clark, Hood and Shaw

Total = 3

(Total members eligible to vote = 42)

RESOLVED: That the recommendations at Minute CB 23/19 be approved

C 23/16 POLITICAL BALANCE ARRANGEMENTS FOR COMMITTEES

The report of the Director of Central Services and Deputy Chief Executive set out details of political balance arrangements for committees, sub-committees, boards and panels following the resignation of Cllr Nick Stapleton of the Green Party.

As a result of the revised political balance allocation there were consequential changes to the composition of committees, sub-committees, boards and panels. These were summarised in Annex 1 to the report.

The Liberal Democrats advised out of meeting that Cllr Mrs A Oakley was their nominated member for the Joint Standards Committee.

RESOLVED: That

- (1) the composition of all committees, sub-committees, boards and panels be approved in accordance with the table at 1.1.5 of the

report and the Monitoring Officer make any consequential amendments to the Council's Constitution in respect of political balance;

- (2) the changes to the composition of committees, sub-committees, boards and panels, as set out in Annex 1 to the report, be approved.

C 23/17 MOTION SUBMITTED UNDER COUNCIL PROCEDURE RULE 5.27

Consideration was given to a Notice of Motion (23/01) pursuant to Council Procedure Rule No. 5.7 submitted by Councillor F Hoskins and seconded by Councillor G Bridge on behalf of the Tonbridge and Malling Liberal Democrat Group in the following terms:

This Council notes that:

- (1) Every river in England is now polluted beyond legal limits;
- (2) The Environment Agency rated only 14% of rivers as 'Good' in 2019.
 - This chemical pollution is mostly caused by sewage discharges from water companies and the run-offs of nutrients from farms.
 - 36% of English rivers have been damaged by water companies.
 - Southern Water released 184 spills in the river Medway and its tributaries in the Tonbridge area during 2021.
 - Government funding to the Environment Agency to monitor river quality and regulate farms and water companies has dropped 75% since 2010/11.
 - In 2020 just 3.6% of pollution complaints made to the Agency resulted in penalties.
 - Farms are now almost never inspected, water quality is rarely tested, and water companies can pump raw sewage into rivers with virtual impunity.
 - In addition, tyre particles, metals from brake pads, and hydrocarbons from vehicle emissions wash off road surfaces and into rivers introducing potentially carcinogenic material into the water supply.
 - Phosphates are naturally occurring minerals found in human waste and can lead to dramatic growth in algae and can deplete oxygen levels when they are dumped in our rivers.
 - The latest targets approved on January 26th of 80% reduction of phosphates in rivers by 2038 allows water companies to continue dumping for another 15 years
 - Our River Medway and its tributaries in Tonbridge are particularly threatened by further sewage discharges.

This Council believes that the UK Government should commit to:

- Restoring Environment Agency budgets to deliver the necessary oversight.
- Increasing inspection regularity of water companies and farms, and rigorously prosecuting offenders through the Environmental Audit Committee and Ofwat.
- Funding local and highways authorities to introduce systems to prevent road pollutants from entering our water courses.
- Setting more ambitious targets for water companies to improve storm overflows.

Council resolves to request the Chief Executive write to

- The Secretary of State for Environment, Food and Rural Affairs calling for the Government to make these commitments.
- The Chairperson of the Parliamentary Environmental Audit Committee to advocate for greater enforcement of existing regulatory powers.
- The Chief Executive of Southern water calling for urgent action to address the impact of waste-water discharges on our local rivers.
- The Regional Director of the National Farmers' Union requesting clarification on the action being taken locally by farmers to prevent nutrient run-off.
- The charities River Action and The Rivers Trust expressing this Council's support for their campaign to restore the health of Britain's rivers.

Local MPs Tom Tugendhat and Tracey Crouch to be copied into this correspondence and asked for their support.

RESOLVED: That the Notice of Motion (23/01) be supported.

C 23/18 UPDATE FOLLOWING STREET TRADING CONSULTATION

Item LA 22/32 referred from Licensing and Appeals Committee minutes of 29 November 2022.

RESOLVED: That the recommendations at Minute LA 22/32 be approved

C 23/19 COUNCIL TAX PREMIUM CHANGES FOR EMPTY HOMES AND SECOND HOMES

Item CB 23/3 referred from Cabinet minutes of 10 January 2023.

Members were advised that the recommendations presented were subject to the Levelling Up and Regeneration Bill being enacted and guidance published by Government. At the current time, the Bill was still awaiting Royal Assent and it was recommended that this matter be deferred.

RESOLVED: That the recommendations at Minute CB 23/3 be deferred pending the enactment of the Levelling Up and Regeneration Bill.

C 23/20 LOCALISM ACT - PAY POLICY

Item GP 23/4 referred from General Purposes Committee minutes of 25 January 2023

RESOLVED: That the recommendations at Minute GP 23/4 be approved

C 23/21 PAY AWARD 2023

Item GP 23/12 (2) referred from an Extraordinary meeting of General Purposes Committee of 20 February 2023

The Chair of the General Purposes Committee in presenting the Minutes of 25 January 2023 for noting made particular reference to the extraordinary meeting held on 20 February which under its delegated powers had approved a 5% pay award to all staff.

The Committee had also recommended that 'the one-off cost of backdating the pay award to scales 1-6 of £50,000 be met from the Borough Council's General Revenue Reserve in 2022/23 be commended to Council for endorsement'.

RESOLVED: That the one-off cost of backdating the pay award to scales 1-6 of £50,000 be met from the Borough Council's General Revenue Reserve in 2022/23

[In accordance with Council Procedure Rule 8. 6 Councillor Clark asked that her vote against the motion (GP 21/12 (2)) be recorded in the Minutes]

MATTERS FOR INFORMATION

C 23/22 DECISIONS TAKEN UNDER URGENCY PROVISIONS

Members noted that decision number D230006URG in respect of Tree Safety and budget provision had been taken under urgency provisions as it was a departure from the Borough Council's adopted Budget and Policy Framework and in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules.

C 23/23 SEALING OF DOCUMENTS

RESOLVED: That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

MATTERS FOR CONSIDERATION IN PRIVATE**C 23/24 EXCLUSION OF PRESS AND PUBLIC**

The Mayor moved, it was seconded and

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

PART 2 - PRIVATE**MATTERS FOR DECISION****C 23/25 AGILE PROJECT**

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

Item CB 23/25 referred from Cabinet of 14 February 2023

RESOLVED: That the recommendations at Minute CB 23/25 be approved.

The meeting ended at 9.35 pm

Agenda Item 6

Questions from the public pursuant to Council Procedure Rule No 5.6

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Agenda Item 7

Questions from Members pursuant to Council Procedure Rule No 5.5

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Leader's Announcements

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TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

11 April 2023

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters For Decision

1 PROGRAMME OF MEETINGS 2023/24 AND 2024/25

The programme of meetings for the municipal year 2023/24 is attached for consideration. Management Team, Senior Officers and Cabinet Members have been consulted on the proposed dates. The draft programme for 2024/25 is also attached for consideration. Subject to any amendments identified by Members the programmes will be presented to Annual Council for endorsement.

1.1 Programme of Meetings 2023/24

1.1.1 A programme for the municipal year 2023/24 has been prepared for approval and is attached as **Annex 1**.

1.1.2 As a result of the local election on Thursday 5 May 2023 and the Coronation Bank Holiday on Monday 8 May 2023, there have been a number of changes to the programme agreed in May 2022 and these are set out below:

- Annual Council has moved from 16 to 17 May 2023;
- Tonbridge Community Forum has moved from 8 May to 12 June 2023;
- Parish Partnership Panel has moved from 18 May to 15 June 2023;
- Housing and Planning Scrutiny Select Committee has moved from 23 May to 7 June;
- Communities and Environment Scrutiny Select Committee has moved from 24 May to 14 June; and
- Finance, Regeneration and Property Scrutiny Select Committee has moved from 30 May to 13 June.

1.1.3 At the request of the Head of Service for Licensing, Community Safety and Customer Services, the Licensing and Appeals Committee has been moved to 27 September 2023 (from September 13) and 29 November 2023 (from 15 November)

1.1.4 The opportunity has also been taken to review the programme towards the latter end of 2023 to reduce the period between the last meeting of the year and the first meeting of 2024. These are set out below:

- Joint Transportation Board has moved from 20 November to 4 December 2023;
- Finance, Regeneration and Property Scrutiny Select Committee has moved to 14 November 2023; and
- Housing and Planning Scrutiny Select Committee has moved to 12 December 2023.

1.1.5 The programme of meetings is set out in a table format and colour coded for easier reference. Dates for Bank Holidays, Elections and other events are also included.

1.1.6 The colour coding highlights significant meetings, such as Annual and Budget Council, when a meeting is to be held in Tonbridge and when a meeting is to be held on a different day than usual.

1.2 Programme of Meetings 2024/25

1.2.1 A draft programme for the municipal year 2024/25 has been prepared for consideration and is attached as **Annex 2**. Members are invited to comment on whether there should be any changes.

1.2.2 For awareness, further consideration is required on the following points and these will be progressed by Democratic Services in liaison with Services and relevant Members:

- Clarification on the budget setting cycle, subject to confirmation of dates for the Kent County Council, Kent Police and Kent Fire and Rescue Service Budget meetings. **Provisional Borough Council programme allows for Cabinet on 11 February and Council on 18 February 2024 and is subject to change.**

1.3 Legal Implications

1.3.1 It is the responsibility of the annual meeting of the Council to approve a programme of meetings for the coming year. However, it is considered sensible to present the programmes to this meeting to allow time for any proposed revisions to be made.

1.4 Financial and Value for Money Considerations

1.4.1 N/A

1.5 Risk Assessment

1.5.1 N/A

1.6 Equality Impact Assessment

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 Recommendations

1.7.1 That the Programme of Meetings for 2023/24 (as set out in Annex 1) be approved and presented to Annual Council for formal endorsement;

1.7.2 That the draft Programme of Meetings for 2024/25 (as set out in Annex 2) be agreed, subject to final approval at Annual Council in May 2023.

Background papers:

Nil

contact: Allison Parris
Principal Democratic Services
Officer

Adrian Stanfield
Director of Central Services and Deputy Chief Executive

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Timetable of Meetings 2023-24 PROVISIONAL

Annex 1

Meeting	Day	June 2023	July 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	March 2024	April 2024	May 2024
Council	<i>Tue</i>		11			24				20		9	14
Cabinet	<i>Tue</i>	6	4		5	3	7		9	13	5	2	
Overview and Scrutiny Committee	<i>Thurs</i>	29			14		16		25			4	
Area 1 Planning Committee	<i>Thurs</i>	22		3	7	19	30		11	15	28		23
Area 2 Planning Committee	<i>Wed</i>	28		9	20		1	6	17	21		3	29
Area 3 Planning Committee	<i>Thurs</i>	8	13	17	28		9	14		1	14	18	
Audit Committee	<i>Mon</i>		24		25				15			15	
General Purposes Committee	<i>Wed</i>		12			11			24		13		
Joint Standards Committee	<i>Mon</i>		3						22				
Licensing and Appeals Committee	<i>Tue</i>		5		27		29				26		
Community and Environment	<i>Wed</i>	14	19		21		8			7			22
Finance, Regeneration & Property	<i>Tue</i>	13	25		19		14			28			28
Housing and Planning	<i>Tue</i>	7	18		26			12			19		21
Advisory Boards and Panels:													
JECC (Member) 0930	<i>Thur</i>									22			
JECC (OWG) 0930	<i>Thur</i>	8			7		16						
Joint Transportation Board	<i>Mon</i>	5			18			4			4		
Parish Partnership Panel	<i>Thurs</i>	15		31*			2			8*			30
Tonbridge Community Forum	<i>Mon</i>	12			4		27*			26			20*

Timetable of Meetings 2023-24 PROVISIONAL

Meeting	Day	June 2023	July 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	March 2024	April 2024	May 2024
Elections (Borough + Parish)	<i>Thur</i>												
Bank Holidays	-			28				25/26	1		29	1	6/27

Monday	Tuesday	Wednesday	Thursday
Annual	Budget	Tonbridge based location where possible	No Member attendance (internal Management/staff meeting) – 0930 start

*meeting to be held online

Dates in red font represent budget setting cycle.

Note : The following changes have been made to the approved programme for June 2023 as a result of the Coronation Bank Holiday (8 May) and local elections:

- Tonbridge Community Forum moved from 8 May to 12 June
- Parish Partnership Panel moved from 18 May to 15 June

Timetable of Meetings 2024-25 PROVISIONAL

Annex 2

Meeting	Day	June 2024	July 2024	Aug 2024	Sept 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	March 2025	April 2025	May 2025
Council	<i>Tue</i>		9			22				18		8	13
Cabinet	<i>Tue</i>	4	2		3	1	5		7	11	4	1	
Overview and Scrutiny Committee	<i>Thurs</i>	27			12		14		23			3	
Area 1 Planning Committee	<i>Thurs</i>	20		1	5	17	28		9	13	27		22
Area 2 Planning Committee	<i>Wed</i>	26		7	18	30		4	15	19		2	28
Area 3 Planning Committee	<i>Thurs</i>	6	11	15	26		7	12	30		13	11	
Audit Committee	<i>Mon</i>		22		23				13			14	
General Purposes Committee	<i>Wed</i>	12				9			22		12		
Joint Standards Committee	<i>Mon</i>	5							20				
Licensing and Appeals Committee	<i>Tue</i>	11			25		27				25		
Community and Environment	<i>Wed</i>		17		19		6			5			21
Finance, Regeneration & Property	<i>Tue</i>		23		17		12			25			27
Housing and Planning	<i>Tue</i>		16		24			10			18		20
JECC (Member) 0930	<i>Thur</i>									20			
JECC (OWG) 0930	<i>Thur</i>	6			5		14						
Joint Transportation Board	<i>Mon</i>				16			2			3		
Parish Partnership Panel	<i>Thurs</i>			29*			21			6*			29
Tonbridge Community Forum	<i>Mon</i>				2		25*			24			19*

Timetable of Meetings 2024-25 PROVISIONAL

Meeting	Day	June 2024	July 2024	Aug 2024	Sept 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	March 2025	April 2025	May 2025
Elections (Borough + Parish)	<i>Thur</i>												
Bank Holidays	-			26				25/26	1			18/21	5/26

Monday	Tuesday	Wednesday	Thursday
Annual	Budget	Tonbridge based location where possible	No Member attendance (internal Management/staff meeting) – 0930 start

*meeting to be held online

Agenda Item 10

Due to the timescale and print deadlines, the recommendations of the meeting of the Licensing and Appeals Committee held on 28 March 2023 will be circulated to Members in advance of the meeting of Council.

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TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

28 March 2023

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters for Recommendation to Council

1 ANIMAL LICENSING POLICY CONSULTATION

1.1 Executive Overview

- 1.1.1 On the 1 October 2018 a new statutory instrument (2018 No.486) came into force, namely The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 1.1.2 This new legislation introduced an updated licensing system in England for five activities involving animals: selling animals as pets, providing for or arranging for the provision of boarding for cats or dogs, hiring out horses, dog breeding and keeping or training animals for exhibition.
- 1.1.3 Tonbridge & Malling Borough Council has produced an Animal Licensing Policy to reflect the updated Regulations.
- 1.1.4 The Animal Licensing Policy went out for consultation from the 5 December 2022 until the 31 January 2023. This is shown at **Annex 1**.

1.2 Background

- 1.2.1 This policy sets out how the Council will exercise its functions under the Dangerous Wild Animals Act 1976, the Zoo Licensing Act 1981, the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 1.2.2 This policy has been introduced pursuant to the commencement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (hereinafter referred to as the "Regulations") on 1 October 2018. Where relevant (and appropriate), specific information has been provided relevant to the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.
- 1.2.3 The Policy will be reviewed as standard every 5 years following first approval, and at other times where considered necessary (for example, to reflect significant changes in relevant legislation or guidance).

1.3 Consultation

1.3.1 Process steps to develop this policy –2023 - 2028

Consultation agreed at the Licensing and Appeals Committee	29 November 2022
Public Consultation	5 December 2023 – 31 st January 2023
Licensing and Appeals Committee	28 March 2023
Full Council adopt policy	11 April 2023
New Policy comes into force	17 April 2023

1.4 Representations

1.4.1 No responses were received from the consultation.

1.5 Legal Implications

1.5.1 There is no statutory requirement to have an Animal Licensing Policy.

1.5.2 The policy will run for 5 years from 2023 – 2028. Any Statutory changes will result in the policy being amended and will go out for consultation.

1.5.3 The policy must be approved by Full Council on the recommendation of the Licensing and Appeals Committee

1.6 Financial and Value for Money Considerations

1.6.1 Current annual licensing fees vary depending on the type of licence. In addition, applicants may also be charged for veterinary inspections. Under the new scheme local authorities may continue to charge reasonable fees associated with the grant, renewal or variation of a licence.

1.7 Risk Assessment

The recommended fee levels have been calculated in order to ensure that the consideration and related inspection for a licence does not exceed reasonable costs.

1.8 Equality Impact Assessment

1.8.1 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.

1.9 Recommendations

1.9.1 That the draft Statement of consultation, attached as **Annex 1**, be approved.

Background papers:

contact: Louise Duke 6353

Nil

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

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www.tmbc.gov.uk

Annex 1

**Animal Welfare
(Licensing of Activities Involving Animals)
(England)
Regulations 2018**

Licensing Policy

2023 - 2028

DRAFT

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Tonbridge & Malling Borough Council

Animal Welfare Licensing Policy

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1.0 Introduction

- 1.1 This policy sets out how the Council will exercise its functions under the Dangerous Wild Animals Act 1976, the Zoo Licensing Act 1981, the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 1.2 This policy has been introduced pursuant to the commencement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (hereinafter referred to as the “Regulations”) on 1 October 2018. Where relevant (and appropriate), specific information has been provided relevant to the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.
- 1.3 The Policy will be reviewed as standard every 5 years following first approval, and at other times where considered necessary (for example, to reflect significant changes in relevant legislation or guidance).
- 1.4 Any general reference to ‘guidance’ in this policy is reference to the ‘*Animal activities licensing: guidance for local authorities*’ produced by DEFRA. This guidance can be viewed in full here: <https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>. If any other guidance is referenced in this policy, specific details will be provided.
- 1.5 This policy sets out the principles the Council will use when dealing with animal related licensing matters. This includes dealing with applications for new licences and issues relating to licensed premises.
- 1.6 This policy provides guidance to any person with an interest in animal licensing, but not exclusively:
- Applicants for licenses
 - Existing licence holders whose licences are being
 - Reviewed Users of licensed premises
 - Licensing Officers
 - Members of the Licensing Committee, and
 - Magistrates’ hearing appeals against local authority decisions.
- 1.7 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is suitable to be granted, have renewed or continue to hold a licence. In addition to criminal convictions the Council will, where permitted under the relevant legislation, also

take into account other factors such as general character, compliance with licence requirements / guidance / conditions, non-criminal behaviour, and other relevant records or information from reliable and relevant sources.

2.0 Policy objectives

2.1 The Policy is designed to ensure that:

- any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on holds a licence in accordance with the relevant legislation
- the licence holder is not disqualified from holding a licence in accordance with the requirements of the relevant legislation
- the five overarching principles of animal welfare, (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision
- the safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured, in accordance with the relevant legislation
- each application is considered on its own merits
- decisions made by the Council are transparent and consistent

2.2 In addition, the Council will base its licensing regime on the following principles which arise from the responsibilities arising under the Animal Welfare Act 2006:

- Responsibility to protect the welfare of all fellow creatures
- Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”
- Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice
- Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced

3.0 Animal Welfare Act

3.1 The Animal Welfare Act 2006 established that reasonable welfare standards must be maintained whilst unifying all animal legislation, including responsibilities falling to various enforcement agencies.

3.2 The Act introduced five overarching principles of animal welfare, known as the “five needs” which are:

1. The need for a suitable environment

- *by providing an appropriate environment, including shelter and a comfortable resting area*

2. The need for a suitable diet

- *by ready access, where appropriate, to fresh water and a diet to maintain full health*

3. The need to be able to exhibit normal behaviour patterns;

- *by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate*

4. Any need to be housed with, or apart from, other animals;

- *by providing the company of an animal of its own kind, where appropriate*

5. The need to be protected from pain, suffering, injury and disease;

- *by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering*

4.0 Licensable Activities

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

4.1 The Regulations came into force on 1st October 2018 and have an impact on establishments licensed under the previous animal health legislation. This includes those previously licensed as pet shops, catteries, kennels, home boarders, dog crèches, riding establishments, dog breeders and performing animals.

4.2 A licence is required when any of the licensable activities outlined in Schedule 1 of the Regulations are undertaken. These are:

- selling animals as pets (Part 2)
- providing or arranging for the provision of boarding for cats or dogs (including the provision of boarding for cats; kennels for dogs; home boarding for dogs; or day care for dogs (Part 3)

- hiring out horses (Part 4)
- breeding dogs (Part 5)
- keeping or training animals for exhibition (Part 6)

4.3 The Regulations replace previous licensing and registration regimes under the following legislation:

- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Riding Establishments Acts 1964 & 1970
- Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999
- Performing Animals (Regulation) Act 1925

Dangerous Wild Animals Act 1976

4.4 The Dangerous Wild Animals Act 1976 dictates that a licence is required from the Council to keep certain animals that are considered wild, dangerous or exotic. A full list of animals that need a licence can be seen here:

<http://www.legislation.gov.uk/uksi/2007/2465/schedule/made>.

4.5 The Council does not support the licensing of primates under the Dangerous Wild Animals Act 1976 as 'pets' to live in the domestic premises. The Council recognises that primates are dangerous and highly intelligent animals with complex needs that cannot be met in a home environment. Consideration will be given to applications for animal sanctuaries where it can be evidenced that there is no intention to breed or allow the primates into the home environment. We also advise that primates will not be kept or sold by pet vendors within the local authority area.

Zoo Licensing Act 1981

4.6 The Zoo Licensing Act 1981 dictates that a licence is required from the Council to display wild animals to the public for at least 7 days a year, in a place that is not a circus or a pet shop.

4.7 All relevant legislation set out in this section can be viewed in full at <https://www.gov.uk/government/publications/zoo-licensing-act-1981-guide-to-the-act-s-provisions>

5.0 Suitability of applicants

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 5.1 In accordance with the Regulations, any individual who carries on a licensable activity will be designated as the 'operator' of the business and can apply for a licence, providing they are not disqualified from holding a licence in accordance with the Regulations.
- 5.2 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence.
- 5.3 An applicant will be granted a licence if the Council is satisfied that the licence conditions will be met. In considering this, the Council will take into account whether the applicant is a 'fit and proper' person to be the operator of the activity. The term 'fit and proper' is not defined in the legislation or guidance. For the purpose of this Policy, the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have:
- the right to work in the UK
 - no relevant convictions
 - not been disqualified from holding a licence
 - the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care
 - made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licensed activity.

This does not limit the scope of the fit and proper assessment and the Council may take into account other matters, should they be considered as relevant to the licensing process.

Relevance of convictions

- 5.4 The purpose of this section is to offer guidance on how the Council can determine whether an applicant or licence holder is suitable to either be granted a licence in the first place or retain a licence under the Regulations. In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it. Each and every case will be determined on its own merits, but in light of these guidelines.
- 5.5 Most applicants or licensees will have no convictions and that is clearly the ideal situation. It is accepted, however, that people do make mistakes, and it is further accepted that many learn from those mistakes and do not continue to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, will not prevent the grant or renewal of a licence.
- 5.6 The Council will not normally grant a licence to a person with one (or more) conviction(s) for any offence that is related to animal cruelty or suffering. The primary purpose of the Regulations enforced by the Council is to ensure the welfare of animals and as such, these types of offences are highly relevant.
- 5.7 The Council will not normally grant a licence to a person with one (or more) conviction for any offence that is related to licensing as these offences demonstrate a disregard for licensing processes and procedures.
- 5.8 In addition to the above, the Council also has wider obligations to prevent crime and disorder and safeguard both children and vulnerable adults. These obligations arise from the Crime and Disorder Act 1998; the Children Act 2004; and the Care Act 2014. As a result, the Council will not normally grant a licence to a person with one (or more) conviction for any of the following offences:
- Offences involving violence
 - Possession of a weapon
 - Sex and indecency offences
 - Offences involving dishonesty Offences involving drugs
- 5.9 Any offences or behaviour not expressly covered by this Policy may still be taken into account.
- 5.10 The Council must ensure that licence holders remain fit and proper during the life of a licence. For this reason, licence holders must notify the Council, in writing, within

72 hours, if any of the following occurs (in relation to the types of offences highlighted above):

- They have any type of licence suspended or revoked They receive any warnings or cautions;
- Are arrested (whether or not charged with an offence); Are charged with any criminal offence;
- Are convicted of any criminal offence;
- Allegations are made of their involvement in criminal activity; or
- Any pending charges, to include any notices of intended prosecution

Failing to provide such notification will raise serious questions for the Council as to the honesty of the licence holder.

The Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981

- 5.11 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council will require the applicant to provide a basic disclosure (DBS) certificate issued within 3 months of the date of application. This check will then be required on a rolling 3 year basis.

6.0 Safeguarding

- 6.1 The Regulations have the aims of maintaining and improving animal welfare standards. However, there are other safeguarding considerations arising from licensable activities, in particular surrounding the protection of children and vulnerable persons and the Council must consider these in light of the Children Act 2004 and the Care Act 2014.
- 6.2 The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons (e.g. the tuition of a young person provided at a Riding Establishment, or entertaining at a children's party with an exhibition of animals).
- 6.3 To this extent, the Council would expect applicants and licence holders whose activities involve contact with children or vulnerable persons to:
- Have a written safeguarding policy and provide training for staff; and

- Have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

6.4 The Council are not setting any specific standards in relation to these requirements, but each case will be considered on its own merits. For information purposes, a number of charitable organisations offer advice on safeguarding issues, including policies and staff recruitment, such as the Nation Society of Prevention of Cruelty to Children (NSPCC), which applicants and licence holders may find helpful.

7.0 Application process

7.1 Licence applications must be submitted in writing or email on the relevant application form and in accordance with the relevant legislation. Additionally, applicants should include any supporting information that is required (as detailed in the form, this Policy and as may be required in any particular case), together with the appropriate fee.

7.2 Payment for vet inspections required either by legislation or by the Council in order to determine the application, will be an additional charge that is passed on to the applicant / licence holder.

7.3 What follows is a brief overview of the application process for the animal related licences that the Council administers. In all cases, the process prescribed in the relevant legislation will be followed.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

7.4 The relevant Guidance produced by DEFRA for licences issued under these Regulations stipulate that once the Council receives an application for the grant or renewal of a licence it must do all of the following before granting or renewing a licence:

- The Council must consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity and meet the licence conditions.
- The Council must inspect the site of the licensable activity and assess if it is likely to meet the licence conditions. The inspection must be completed by a suitably qualified inspector (as well as a veterinarian for the initial inspection of a dog breeding establishment, or a listed veterinarian for inspections of horse riding establishments). The inspector must prepare a report, in accordance with the requirements of the Regulations, to be submitted to the Council following their inspection.

- The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter and state whether or not the inspector considers that the licence conditions will be met.
- Ensure that the appropriate fees have been paid.

7.5 Although not a statutory requirement, the Council will aim to provide licence holders with 3 months' notice of when their licence is due to expire. Licence holders must then submit an application at least 10 weeks before their licence expires to continue the activity without a break. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

Dangerous Wild Animals Act 1976

7.6 Once the Council receives an application for the grant or renewal of a licence it will do the following before granting or renewing a licence:

- The Council will ensure that the applicant has not been disqualified from keeping dangerous wild animals.
- An Officer of the Council will inspect the relevant premises and assess if it is likely to meet the requirements of the legislation. In addition to this, a qualified vet will also be appointed to inspect the premises and produce a report.
- Reports will contain information about the suitability of the accommodation, suitability of the applicant in terms of their handling skill / experience and their views on qualification relating to species. The vet will also consider the animal's ability to express their natural behaviour and knowledge of the owner to promote the animal's welfare. The report will then be sent to the Council for consideration.
- Ensure that the appropriate fees have been paid.

7.7 Although not a statutory requirement, the Council will aim to provide licence holders with 3 months' notice of when their licence is due to expire. Licence holders must then submit an application at least 10 weeks before their licence expires. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

Zoo Licensing Act 1981

- 7.8 Before submitting a new application to the Council for a licence under the Zoo Licensing Act 1981, an applicant must, at least two months prior to the application, provide the Council with a notice of an intention to apply, which must contain various pieces of information (in compliance with the Act).
- 7.9 Additionally, a notice must also be published in a local newspaper (circulating the Kent area) and a newspaper that is circulated nationally.
- 7.10 Once the Council receives an application it will do the following before granting or renewing a licence:
- The Council will ensure that the applicant has not been disqualified from keeping dangerous wild animals.
 - An Officer of the Council will inspect the relevant premises and assess if it is likely to meet the requirements of the legislation. In addition to this, a qualified vet will also be appointed to inspect the premises and produce a report. The vet will, in accordance with the legislation, be approved as part of the Secretary of States list of suitably qualified and experienced inspectors.
 - The Council will take into account any representations made by or on behalf of any persons entitled to make them (as per the legislation)
 - The Council will consult the applicant on the conditions that are proposed for the premises licence.
 - Ensure that the appropriate fees have been paid.
- 7.11 The Council will aim to provide licence holders with 9 months' notice of when their licence is due to expire. Licence holders must then submit an application at least 6 months before their licence expires. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

8.0 Rating and licence duration

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 8.1 With the exception of '*keeping or training animals for exhibition*', licences can be issued under the Regulations for a period of either one, two or three years

depending on the risk rating and level of compliance. The length of the licence will correspond with the Star Rating for the establishment.

8.2 Licences for the keeping or training animals for exhibition are issued for three years.

8.3 A copy of the Scoring matrix is below:

	Minor failings	Minimum standards	Higher standards
Low risk	1 star rating, 1 year licence, at least 1 unannounced visit within 12 months	3 star rating, 2 year licence, at least 1 unannounced visit within 24 months	5 star rating, 3 year licence, at least 1 unannounced visit within 36 months
Higher risk	1 star rating, 1 year licence, at least 1 unannounced visit within 12 months	2 star rating, 1 year licence, at least 1 unannounced visit within 12 months	4 star rating, 2 year licence, at least 1 unannounced visit within 24 months

Dangerous Wild Animals Act 1976

8.4 Premises licensed under the Dangerous Wild Animals Act are not risk rated and licences, if issued, are valid for 2 years.

Zoo Licensing Act 1981

8.5 Premises licensed under the Zoo Licensing Act are not risk rated and any new premises licence, if issued, will be valid for 4 years. On renewal, licences will be valid for 6 years.

9.0 Standards and conditions

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

9.1 The Regulations include mandatory conditions for each licensable activity and DEFRA have produced associated guidance. The conditions are divided into two categories, namely 'General Conditions' and 'Specific Conditions'.

9.2 Applicants and licence holders will need to meet all of the Statutory conditions, although for existing businesses, minor failings may be noted / recorded providing

they do not compromise the welfare of the animals. However, these failings should be predominantly administrative in nature, as highlighted in the relevant guidance.

- 9.3 For each activity (except keeping or training animals for exhibition) a number of “higher standards” have been included in the guidance. Meeting the higher standards is optional but is the only way to gain a higher star rating.
- 9.4 The higher standards are classified into two categories – required (mandatory) and optional. To qualify as meeting the higher standards the business must achieve all of the required (mandatory) standards as well as a minimum of 50% of the optional higher standards.

Dangerous Wild Animals Act 1976

- 9.5 The Council will impose any conditions prescribed in the legislation. In addition, the Council may impose any conditions suggested by DEFRA or required by the Inspecting Officer / Vet.
- 9.6 Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by organisations such as, but not limited to:
- I. DEFRA
 - II. British Veterinary Association
 - III. National Trade Associations

Zoos Licensing Act 1981

- 9.7 The Council will impose any conditions prescribed in the legislation. In addition, the Council may impose any conditions suggested by DEFRA or required by the Inspecting Officer / Vet.
- 9.8 Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by organisations such as, but not limited to:
- I. DEFRA
 - II. British Veterinary Association
 - III. National Trade Associations

10.0 Granting an application

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

10.1 Where a licence is issued the Council will provide the following details (if applicable):

the Licence with the Star Rating

details of how the business has been rated, including a list of the higher standards the business currently fails to meet or a list of the minimum standards the business is failing to meet (resulting in a “minor failing” category)

a copy of the risk management assessment table

details of the appeals process and timescales

Dangerous Wild Animals Act 1976

10.2 These premises are not risk rated and as a result, only the licence is sent out, along with the relevant conditions.

Zoos Licensing Act 1981

10.3 These premises are not risk rated and as a result, only the licence is sent out, along with the relevant conditions.

11.0 Refusing an application

11.1 The following section provides a brief overview of the powers the Council have to refuse an application. It must be noted that the non-inclusion of information does not prevent the Council from refusing a licence on any other lawful grounds.

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

11.2 Depending on the licence being applied for, the Council will consider the report from the inspector(s) and any comments made by the applicant when deciding whether to issue a licence.

11.3 The Council may refuse to issue a licence if it considers that the applicant cannot meet the licence conditions. The Council may also refuse a licence if the granting of a licence could have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.

11.4 The Council may also refuse to issue or renew a licence if the applicant has a history of non-compliance with licensing conditions or requirements, is obstructive towards

officers, or if there are safeguarding concerns arising from the licensed activity. The above list is not exhaustive, but indicative of the circumstances where the Council may want to refuse an application.

- 11.5 The Council may also refuse an application if it considers that the applicant does not meet the 'fit and proper person' test.
- 11.6 A licence cannot be issued to an operator who has been disqualified, as per the relevant Regulations.
- 11.7 If a licence is refused under the Regulations, the applicant will have the right of appeal to a First-tier Tribunal within 28 days of the decision notice.

Dangerous Wild Animals Act 1976

- 11.8 The Council will consider the report from the inspector(s) and any comments made by the applicant when deciding whether to issue a licence.
- 11.9 The Council must not grant a licence unless it is satisfied that:

it is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;

the applicant for the licence is a suitable person to hold a licence under the relevant Act;

any animal concerned will at all times of its being kept only under the authority of the licence -

- (i) be held in accommodation which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals proposed to be held in the accommodation, and
- (ii) be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals;

appropriate steps will at all such times be taken for the protection of any animal concerned in case of fire or other emergency;

all reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases;

while any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

11.10 A licence may be refused where an applicant has been convicted of any relevant offence, as per the relevant legislation.

11.11 If a licence is refused under the Dangerous Wild Animals Act 1976, the applicant will have the right of appeal to the magistrates' court within 21 days of the decision notice.

Zoo Licensing Act 1981

11.12 The Council will consider the report from the inspector(s) and any comments made by any relevant party when deciding whether to issue a licence.

11.13 The Council may refuse a licence when:

it is satisfied that the zoo, or its continuance, would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order

they are not satisfied that it would be able to meet conditions to take forward the relevant conservation measures

they are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and well-being of the animals as a whole or for any of them, or otherwise for the proper conduct of the zoo.

They are not satisfied that planning permission has been granted for a zoo (or the granting of the licence can be suspended until the local planning authority confirm that permission has been, or is deemed to be, granted).

11.14 A licence may also be refused if anyone associated with the zoo has a conviction under the Zoo Licensing Act 1981 or any of the Acts mentioned in the legislation.

11.15 If a licence is refused under the Zoo Licensing Act 1981, the applicant will have the right of appeal to the magistrates' court within 28 days of the decision notice.

12.0 Appeals to Star Rating

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

12.1 To ensure fairness to the business, the Council has an appeals procedure in place for the operator to dispute the star rating given.

- 12.2 The business will be provided with supporting information (the inspection reports) which will highlight the inspecting officer's decision on how the risk rating, compliance level and star rating has been determined. The business is encouraged to discuss the matter initially with the inspecting officer where possible.
- 12.3 A business may appeal if they consider their star rating to be wrong - in other words, if it does not reflect the standards found at the time of inspection. Any appeal to the rating given must be made in writing to the Council within 21 days, from when the star rating is issued. It is important to note that the appeal concerns specifically the standards present at the time of the inspection and will be chargeable, should the original decision be upheld.
- 12.4 DEFRA Guidance states that no officer involved with the initial star rating or inspection should consider an appeal. Accordingly, the Council will ensure that a separate officer determines the appeal in all cases. DEFRA Guidance also states that the appeal should be determined by the head of the Department or a designated deputy and this Council will consider the delegation of such functions to an officer that is considered suitably qualified. Depending on the specific details of the appeal, the relevant officer may or may not visit the premises themselves.
- 12.5 If the business disagrees with the outcome of the appeal they can challenge the decision by means of judicial review. The business also has recourse to the Council's complaints procedure (taking the matter to the Local Government Ombudsman where appropriate) if they consider that the service has not been properly delivered.
- 12.6 Separate to the appeal process highlighted above, a business may wish to apply for a 're-rating' following completion of works to rectify any non-compliance or improvements to achieve higher standards. This re-rating is carried out on a chargeable basis (for more information on fees see section 17 of this Policy).

13.0 Variations, Suspensions and Revocations of Licences

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 13.1 The Regulations allow the Council to vary a licence:
- On the application in writing of the licence holder, or
 - On the initiative of the Council, with the consent in writing of the licence holder.
- 13.2 In addition to the above, the Council may suspend, vary or revoke a licence without the consent of the licence holder if:

- The licence conditions are not being complied with There has been a breach of the Regulations
 - Information supplied by the licence holder is false or misleading
 - It is necessary to protect the welfare of an animal
- 13.3 A suspension or variation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal, in which case the Council may stipulate that the decision has immediate effect.
- 13.4 A decision to vary or suspend the licence must be notified to the licence holder in writing and the reasons for the decision must be explained. It must also provide information regarding when the suspension or variation comes into effect and the rights of the licence holder to make written representations, as well as any specific changes deemed necessary in order to remedy the situation.
- 13.5 The decision to vary, suspend or revoke a licence will be dependent on the severity of the situation. If an operator fails to meet administrative conditions or provide information when requested then this could potentially lead to the suspension of a licence. If such a scenario happens repeatedly, the Council may consider revocation appropriate. Revocation of a licence will also occur in an instance where poor welfare conditions are discovered or it would otherwise benefit the welfare of the animals involved to be removed from the activity. Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.
- 13.6 Following the issuing of the notice of suspension or variation, the licence holder will have 7 working days to make written representations. Upon receipt of this the Council will decide whether to continue with the suspension or variation of the licence or cancel the decision.
- 13.7 If the licence has been altered with immediate effect to protect the welfare of an animal then the Council must indicate that this is the reason.
- 13.8 The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by the Council, upon, for example, being satisfied that the licence conditions are being met.
- 13.9 There is no right of appeal against the suspension of a licence. After 28 days of suspension the licence must be revoked or reinstated.

13.10 A licence holder may appeal to a First-tier Tribunal if they do not agree with the decision made by the Council to vary or revoke a licence. This appeal must be made within 28 days of the decision and details on the appeal process will be provided to the licence holder at the relevant time.

Dangerous Wild Animals Act 1976

13.11 The Council can, at any time, add conditions, vary conditions or revoke conditions that are on a Dangerous Wild Animal licence (although any conditions prescribed in the legislation cannot be varied or revoked).

Zoo Licensing Act 1981

13.12 The Council can, at any time, vary, cancel or attach new conditions to a licence if it is considered necessary or desirable to do so for ensuring the proper conduct of the zoo. Prior to doing so, the licence holder will have an opportunity to make representations. If the change is a significant amendment, then an inspection of the premises must be arranged and the report considered, prior to any alteration being made to the licence.

13.13 If a condition is not being complied with the Council can issue a direction requiring compliance, in accordance with the Zoo Licensing Act 1981. The direction will state the steps that the licence holder must take and the period in which they must take them. In addition, the direction can also require the zoo, or part of the zoo, to be closed to the public while the direction is in force. The direction will be revoked once the zoo has complied with its requirements.

13.14 In accordance with the Zoo Licensing Act 1981, the Council must permanently close a zoo in certain circumstances (e.g. non-compliance with a direction in relation to a conservation measure). The Council also has a discretionary power to close a zoo which may be used for a number of reasons (e.g. non-compliance with a direction that does not relate to a conservation measure).

14.0 Status of a licence upon the death of a licence holder

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

14.1 If a licence holder dies, the Regulations allow the personal representative of the deceased to take on the licence provided that they inform the Council within 28 days of the death that they are now the licence holder. The licence will then remain in place for three months from the death of the former holder or for the rest of the time it was due to remain in force if that time period is shorter. The new licence

holder should then apply for a new licence one month before the expiry of this new period.

- 14.2 Additionally, the Council can extend the three month period by up to another three months if requested by the personal representative and if they believe this time is needed to wind up the estate of the former licence holder.
- 14.3 If the personal representative does not notify the Council within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

Dangerous Wild Animals Act 1976

- 14.4 If a licence holder dies, the licence will continue for 28 days as if it had been granted to their personal representative. If an application is made for a new licence within this period, the licence will be considered as being still in force pending the grant or refusal of the new application.

Zoos Licensing Act 1981

- 14.5 If a licence holder dies, the licence will continue for 3 months as if it had been granted to their personal representative. The Council may extend this period if considers appropriate to do so.

15.0 Inspections during the course of a licence

- 15.1 There will be cases where inspections must be carried out during the term of a licence.
- 15.2 For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The Council must appoint a listed veterinarian to inspect the premises on which the activity is being carried out before the end of the first year after the licence is granted and then each subsequent year. It is this Council's policy that the veterinarian must be independent and not one that is retained by the applicant / licence holder.
- 15.3 Depending on the type of zoo, inspections may be required on an annual basis, but the frequency of inspections can be less if an exemption (or 'dispensation') is in place. Inspections will include visits by the Secretary of State's zoo inspectors, in addition to licensing officers
- 15.4 Unannounced inspections can also be carried out and may be used in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.

- 15.5 During the course of an inspection of premises licensed under the Regulations, the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal, including ensuring that suitable restraints are provided if requested.

16.0 Qualifications of Inspectors

- 16.1 All Licensing Authority inspectors (whether employed by the Council or contracted / appointed) must be suitably qualified. This is defined as:

Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing certain animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity; OR

Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (“RCVS”), together with a relevant RCVS continuing professional development record; OR

17.0 Fees

- 17.1 The fees can be viewed on the Council’s website <https://www.tmbc.gov.uk/licensing/animal-licensing/2>
- 17.2 The fees for each licence are made up of two parts, Part A and Part B. Part A covers the direct costs associated with processing the application and is payable on submission of the application. Part B covers the costs associated with the running of the licensing function. This includes dealing with complaints, enforcement and general administration. This fee is payable once a licence has been granted but must be paid before the licence becomes operational and valid.
- 17.3 It will be a condition of all licences that the licence itself will be inoperable should the Part B fee not be paid.
- 17.4 Any relevant fees paid by an applicant who has not been granted a licence will not be refunded.

18.0 Enforcement

18.1 The main enforcement and compliance role for the Council in terms of animal licensing will be to ensure the welfare of animals. This is done by ensuring compliance with the conditions placed upon the licence and taking action when standards are not met. The Council also investigate and take appropriate action against unlicensed premises.

18.2 In carrying out its enforcement duties, the Council has adopted an enforcement policy, which is available to view here:

<https://www.tmbc.gov.uk/downloads/download/375/corporate-enforcement-policy>

18.3 The Council will log and, if considered necessary, investigate complaints relating to Animal Establishments which are currently licensed or may require a licence. The Council will require complainants to provide their name and contact details so as to ensure that a complaint is not malicious in nature, and so that witness evidence may be obtained if required for further action.

18.4 We aim to achieve and maintain a consistent approach when we investigate complaints and make our decisions. In reaching any decision we will consider, potentially amongst other things, the following criteria:

- Seriousness of any offences or breach of conditions
- Operator's past history
- Consequence(s) of non-compliance
- Likely effectiveness of the various enforcement options
- Danger to the welfare of animals and/or public

18.5 What follows is a brief overview of some of the enforcement options that are available to the Council in relation to the different legislation. The fact that a potential enforcement action is not listed does not prevent the Council from using it.

18.6 In relation to the Animal Welfare Act 2006, Section 30 allows local authorities to prosecute for any offences under that Act.

18.7 The post-conviction power from section 34 of the Animal Welfare Act 2006 is in place, whereby a person convicted of an offence under the Act or any relevant regulations may be disqualified from owning, keeping, participating in the keeping of animals and/or from being party to an arrangement under which they can control or

influence the way an animal is kept. They may also be disqualified from transporting or dealing in animals. Breaching these disqualifications is an offence.

- 18.8 The post-conviction power from section 42 of the Animal Welfare Act is also in place whereby a court can cancel an existing licence and disqualify a person from holding a licence for any period it sees fit when that person is convicted of an offence under the Act or any relevant regulations.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 18.9 The Regulations introduce a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; where there is a breach of the regulations; or issues relating to the protection of the welfare of an animal.
- 18.10 Anyone who carries on any of the licensable activities without a licence is committing a criminal offence and is liable to imprisonment for a term of up to six months, a fine or both.
- 18.11 It is a criminal offence to breach any licence condition. It is also a criminal offence not to comply with an inspector's request with regards to taking a sample from an animal.
- 18.12 It is a criminal offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing any of these offences could result in an unlimited fine.
- 18.13 The Regulations also make provision for the inspectors to take samples for laboratory testing from any animals on premises occupied by an operator, for the purposes of ensuring the licence conditions are being complied with. A licence holder must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.
- 18.14 Samples should be as non-invasive as possible; however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals. The provision for sampling is primarily aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.
- 18.15 Additional information about the suspension and revocation of a licence can be found in section 13 of this policy.

Dangerous Wild Animals Act 1976

18.16 Anyone that keeps a dangerous wild animal without the required licence is committing a criminal offence and is liable for a fine.

18.17 It is a criminal offence to breach any licence condition. It is also criminal offence to obstruct an inspector who has been appointed by the Council to enforce the Act. Committing any of these offences could result in a fine.

Zoos Licensing Act 1981

18.18 Anyone who operates a zoo without the required licence is committing a criminal offence and is liable for a fine.

18.19 It is a criminal offence to breach any licence condition. It is also criminal offence to obstruct an inspector who has been appointed by the Council to enforce the Act. Committing any of these offences could result in a fine.

18.20 Additional information about the suspension and revocation of a licence can be found in section 13 of this policy.

19.0 Additional information

19.1 The Council has additional information available online, including application forms, guidance documents and details on conditions. These can be seen here:
<https://www.tmbc.gov.uk/licensing/animal-licensing>

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Schedule FEBRUARY – APRIL

The Minutes from meetings of the Cabinet and Committees held since the last meeting of Council are set out in the Minute Book to be received and noted.

Any recommendations for Council arising from these Minutes are identified in the agenda for the meeting of Council.

Meeting	Page Nos in Minute Book	Recs to Council/ Chairman
8 February 2023: Communities and Environment Scrutiny Select Committee <ul style="list-style-type: none"> • Minute Numbers: CE 23/1 - 11 	3-8	Cllr S Hudson
14 February 2023: Cabinet <ul style="list-style-type: none"> • Minute Numbers: CB 23/1 - 27 	9-18	Cllr M Boughton
16 February 2023: Area 1 Planning Committee <ul style="list-style-type: none"> • Minute Numbers: AP1 23/1 - 5 	19-20	Cllr D King
20 February 2023: General Purposes Committee (Extraordinary) <ul style="list-style-type: none"> • Minute Numbers: GP 23/10 - 13 	21-22	Cllr M Rhodes
21 February 2023: Council <ul style="list-style-type: none"> • Minute Numbers: C23/1 – 25 • Council Tax Resolution attached 	23-36	N/A
22 February 2023: Area 2 Planning Committee <ul style="list-style-type: none"> • Minute Numbers: AP2 23/1 - 5 	37-39	Cllr H Rogers
7 March 2023: Cabinet <ul style="list-style-type: none"> • Minute Numbers: CB 23/28 - 35 	39-42	Cllr M Boughton
14 March 2023: Finance, Regeneration and Property Scrutiny Select Committee <ul style="list-style-type: none"> • Minute Numbers: FRP 23/1 - 9 	43-46	Cllr R Cannon
15 March 2023: General Purposes Committee <ul style="list-style-type: none"> • Minute Numbers: GP 23/14 - 19 	47-50	Cllr M Rhodes
21 March 2023: Housing and Planning Scrutiny Select Committee Minute Numbers: HP 23/1 - 7	51-54	Cllr J Botten

Meeting	Page Nos in Minute Book	Recs to Council/ Chairman
28 March 2023: Licensing and Appeals Committee	To Follow	
30 March 2023: Area 1 Planning Committee	To Follow	
Decisions Taken by the Executive (Cabinet, Cabinet Member or Urgent)		
Decision Notices: <ul style="list-style-type: none"> • D230010CAB – D230013CAB • D230014MEM • D230015MEM • D230016CAB – D230018CAB • D230019URG • D230020MEM • D230021MEM • D230022MEM • D230023MEM • D230024MEM • D230025MEM • D230026MEM 	59-90	

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER URGENCY POWERS

Decision No:	D230019URG
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Departure from the Council's adopted Budget and Policy Framework and in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules
Decision Type:	Executive Key Decision
Date:	13 March 2023

Decision(s) and Reason(s)

DEVELOPMENT MANAGEMENT AGENCY COSTS

The Development Management (DM) team is currently operating with seven contractor staff which in the main occupy vacant establishment positions, some of which were created because of the recent DM and Enforcement restructures.

There have been several recruitment campaigns to fill the current vacant establishment positions, some of which were before the re-structures and some following, with both the existing positions and newly created posts being advertised using the standard marketing campaigns. Whilst success was achieved recruiting to the senior management positions, (Head of Planning, Development Manager and Policy Manager roles) there has been little success recruiting to the other less senior roles in the planning team. The Development Management team currently has a stable set of agency staff in place, with changes being made where required due to changing requirements or performance issues. There is a handover process in place to ensure that these changes do not have significant service impacts.

There is a national shortage of qualified, experienced Planners and indeed similar issues in other technical disciplines. These issues are also not unique to Planning within the Council, as there are other posts within the Council that are proving difficult to fill e.g. in IT/ Property and Legal. Human Resources is currently leading on a review of recruitment to these hard to fill posts, which will be reported to the General Purposes Committee in due course.

Significant progress has been made in the last 12 months with planning performance, which would be significantly, negatively impacted should the vacant posts not be filled in the short to medium term with agency staff. These include a drop in application decision rates, a likely reduction in income from both pre-application enquiries and Planning Performance Agreements as a result of not

having the staffing resource available to service these areas effectively, customer dissatisfaction due to increased delays in determining applications, greater number of complaints, potential rise in appeals for non-determination and likely requests for planning fee refunds under the Planning Guarantee due to the time taken to determine applications.

The specific approaches to posts and agency staff employed is currently managed by the Head of Planning, in consultation with the Director of Planning, Housing & Environmental Health, as well as Management Team as needed. This includes an agreed approach to ensure that if any permanent staff are appointed, the agency cohort is reduced accordingly. The position will be reviewed on a regular basis during the initial proposed period of 6 months.

Should the posts remain vacant and the agency cost requirement remain the same throughout 2023/24, the total spend above the established staffing budget would be c.£254,000.

It is proposed that:

- (1) the agency staffing costs for a 6 month period, equating to a maximum net additional cost of £127,000 above existing budget provision, are met from the Council's General Revenue Reserve; and
- (2) a review be carried out and a decision made about whether additional costs are likely to be required and incurred and can be incorporated into revised estimates.

The Director of Finance and Transformation has confirmed that this additional cost of £127,000 can be accommodated from the General Revenue Reserve as a one-off cost. However, the ongoing issues with recruitment and retention, which are particularly impacting Planning currently, do present a financial and wider risk for the Council. This risk is already highlighted on the Council's strategic risk register.

Details of any alternatives considered:

At present, there are not considered to be any reasonable alternatives to continuing to utilise agency Planners.

Reason why departure from Budget and Policy Framework:

In order to maintain service provision and retain existing agency staff who are performing well, their contracts need to be extended beyond the current end date of 31 March. It is not practical to convene a quorate meeting of the Full Council due to the timescales required for the required contract discussions to take place with agencies and staff and it is not possible to seek a decision from Full Council at their next meeting.

Reason(s) why rejected:
n/a
Conflicts of Interest/Dispensations Granted:
None
Background Papers (if any):
None
RESOLVED: That (1) The net additional cost of £127,000 of employing agency staff to fill vacant positions in Development Management for the initial period of the 6 months from April to September 2023 be met from the Council's General Revenue Reserve. Taken in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules set out in the Constitution and in agreement with the Chair of the Overview and Scrutiny Committee.

Signed Leader:	M Boughton
Signed Chair of Overview and Scrutiny Committee	A Oakley
Signed Chief Executive:	J Beilby
Date of publication:	14 March 2023

In accordance with Budget and Policy Framework Procedure Rule 4 it is not practical to convene a quorate meeting of the Full Council due to the timescales required for the required contract discussions to take place with agencies and staff and with the consent of the Chair of the Overview and Scrutiny Committee, this decision is considered urgent, is not subject to call-in and will become effective immediately.

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