

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **CABINET**

### **MINUTES**

**Tuesday, 4th July, 2023**

**Present:** Cllr M D Boughton (Chair), Cllr R P Betts, Cllr M A Coffin, Cllr D Keers, Cllr K B Tanner and Cllr M Taylor

**In attendance:** Cllrs B Banks\*, G C Bridge\*, R I B Cannon, S M Hammond\*, F A Hoskins\*, Mrs A S Oakley, D Thornewell, C J Williams\*, Mrs S Bell and M R Rhodes were also present pursuant to Access to Information Rule No 23.

(Note: \*These Councillors participated in the discussion on TMBC Owned Sites – Local Plan only and then left the meeting).

**Virtual:** Cllrs Mrs S Bell and M R Rhodes listened to the discussion via MS Teams in accordance with Access to Information Rule No 23.

### **PART 1 - PUBLIC**

#### **CB 23/58 DECLARATIONS OF INTEREST**

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

#### **CB 23/59 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 6 June 2023 be approved as a correct record and signed by the Chairman.

### **MATTERS FOR RECOMMENDATION TO THE COUNCIL**

#### **CB 23/60 CORPORATE STRATEGY 2023-27**

Consideration was given to an updated Corporate Strategy 2023-2027 (attached at Annex 1) which incorporated feedback received from the recent community consultation as well as matters highlighted through the decision making process.

The Strategy set out a new direction for the Borough Council and had a vision 'to be an innovative and forward thinking council, that leads people and businesses of the borough towards a vibrant, prosperous and sustainable future.'

An action plan setting out the strategic initiatives linked to delivering the Corporate Strategy was provided at Annex 2. This Plan included some of the key initiatives, rather than all of the activity, that the Borough Council would undertake to meet the priorities set out in the Strategy and would be reviewed on an annual basis.

A list of new updated Key Performance Indicators (KPIs) were set out in Annex 3 in order to align these more closely with the Corporate Strategy. It was noted that currently there was no KPI relating to biodiversity as DEFRA guidance was still forthcoming and strategies on the topic were still being developed.

**RECOMMENDED\*:** That

- (1) the Corporate Strategy (attached at Annex 1) be commended to Council for adoption;
- (2) the Corporate Strategy Action Plan (attached at Annex 2) be commended to Council for adoption;
- (3) the proposed new Key Performance Indicators (attached at Annex 3) be commended to Council for adoption;
- (4) authority be delegated to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary further minor changes to the Corporate Strategy, Action Plan and Key Performance Indicators that might be required for reasons of clarity or presentation.

**\*Referred to Council**

**DECISIONS TO BE TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**

**EXECUTIVE KEY DECISIONS**

**CB 23/61 HOUSEHOLD SUPPORT FUND 2023/24**

(Decision Notice D230056CAB)

Approval was sought for the Borough Council's proposed approach in respect of the current grant of Household Support Fund for the Borough. The draft Tonbridge and Malling Borough Council Household Support Scheme July 2023 – March 2024 (attached at Annex 1) set out the proposed use of the fund, which was to provide crisis support for households. The strategy for direction of funding was based on successful outcomes of previous awards, statistical returns, feedback from a recent welfare support workshop and anecdotal experience.

The proposed use of the grant funding was detailed in 1.3 of the report and it was noted that Tonbridge and Malling Borough Council had been allocated funding of £278,562 to be used in accordance with Government guidance by 31 March 2024. Unspent grant could not be rolled over into April beyond honouring any expenditure committed to before the end of March.

Careful consideration was given to the legal, financial and value for money implications and Cabinet supported the proposed use of the grant funding to support households, charitable organisations and the local community.

**RESOLVED:** That

- (1) the Household Support Fund Scheme July 2023 – March 2024, as set out at Annex 1, be approved;
- (2) delegated authority be granted to the Director of Finance and Transformation to establish an effective operational scheme to disburse funds in accordance with the Household Support Fund Scheme July 2023 – March 2024; and
- (3) significant variance in direction of spend in response to any emerging events or needs over the lifetime of the Scheme be allowed for by agreement of the Leader, Cabinet Member for Finance and Housing, Chief Executive and Director of Finance and Transformation, in line with the general parameters of the Household Support Fund.

**CB 23/62 NEW LOCAL DEVELOPMENT SCHEME**

(Decision Notice D230057CAB)

Consideration was given to recommendation HP 23/11 of the Housing and Planning Scrutiny Select Committee of 7 June 2023.

Members attention was drawn to the further detail on the assumptions around the Local Development Scheme (LDS) timetable, the evidence base studies and costs set out in the supplementary report of the Director of Planning, Housing and Environmental Health. Particular reference was made to revised proposals in respect of the Green Belt Study which recommended that more detailed work be undertaken and that options for a 'strategic gap' be explored. It was anticipated that this further work could cost in the region of an additional £15,000. However, it was noted that all cost assumptions set out in Annex 3 were informed estimates at this stage.

The Cabinet Member for Planning was aware of concerns regarding the green belt and anticipated that a more detailed study would be beneficial

in retaining flexibility. The increased budgetary pressures as a result of a more detailed study were also noted.

On the grounds that the Green Belt Study was a crucial piece of evidence which influenced other key policy decisions relating to the Local Plan, Councillor Taylor proposed, seconded by Councillor Boughton that the study be commissioned as soon as possible to realistically meet the timeframes set out in the LDS and that the recommendations of the Housing and Planning Scrutiny Select Committee be amended.

**RESOLVED:** That

- (1) the commissioning the extended scope of local plan Green Belt evidence and associated costs (as set out in the supplementary report) that were not anticipated at the time of the HPSSC recommendation be approved;
- (2) the new Local Development Scheme be approved and the implications on timing of the above decision and the uncertainties regarding the outcome of the government's planning reforms be noted; and
- (3) the additional budget requirements of the local plan and the need for further financial provision in future budget setting process be noted.

**EXECUTIVE NON-KEY DECISIONS**

**CB 23/63 FINANCIAL PLANNING AND CONTROL**

(Decision Notice D230058CAB)

The report brought together information on salaries, major operational income streams and investment income. The performance of the key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring were summarised to provide an indicative overall budget position for the year. In addition, an update on capital expenditure and variations agreed in relation to the capital plan was provided.

Cabinet noted that in respect of salaries, overall actual expenditure to the end of May was £46,650 more than budgeted at the February Budget meeting. This overspend included funding of temporary staffing in planning as detailed in paragraph 1.4.5 of the report. Overall actual income to the end of May was £141,550 less than budgeted. However, this was relatively early in the new financial year and the position would continue to be monitored.

The current economic climate continued to have an ongoing impact on the Borough Council's financial position and the potential impact on both the current and future financial years of the Medium Term Financial Strategy was being assessed. The importance of ensuring the savings target of £500,000 was achieved by the start of the financial year 2024/25 was recognised.

Finally, reference was made to business rates pooling and it was reported that monitoring as at end of May 2023 placed the Borough Council at £701,000 above the nationally set baseline with a retained income of £561,000. This was a variation of £5,000 against the 2023/24 estimate.

The Cabinet Member for Housing and Finance commented that the pressures on the temporary accommodation budget had been exacerbated by the cost of living crisis and new Government guidance in relation to those fleeing domestic violence.

**RESOLVED:** That

- (1) it be noted that as at the end of May 2023, the projected overall outturn position for the year 2023/24 was a net adverse variance of circa £557,000 when compared to the budget set in February 2023;
- (2) the not insignificant impact of the current economic global conditions on the Borough Council's finances, and the need to identify and implement opportunities to delivery as a minimum this year's savings target of £500,000 be noted; and
- (3) the current business rate pool position as at the end of May 2023 be noted.

**CB 23/64 TONBRIDGE AND MALLING SHARED UK PROSPERITY FUND**

(Decision Notice D230059CAB)

An update on delivery during Year 1 of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Programme, including Rural England Prosperity Fund (REPF), was provided in 1.2 of the report. Upcoming initiatives for Year 2 were also highlighted at 1.3 of the report.

Particular reference was made to the establishment of a West Kent Rural Grants Programme, using the REPF funding previously secured. As part of this programme, all funding allocated to the Borough Council would be ring fenced for projects within the borough. Rural Businesses and Communities would be able to apply for capital grants of up to £25,000. Details of the decision making process was outlined in 1.3.4 of the report. However it was proposed that a Cabinet Member

representative from each West Kent local authority be part of a West Kent Rural Grants Programme Panel assessing applications.

Finally, Cabinet had regard to the risk assessment for the programme which identified a number of potential hazards and control measures to mitigate their impact. The risk assessment was provided at Appendix 2.

The Cabinet Member for Climate Change, Regeneration and Property welcomed the continuation of the Shopfront Improvement Grant Scheme and the proposal for a Green Business Grant Scheme.

**RESOLVED:** That

- (1) the report be noted;
- (2) the delegation of decision-making powers to the West Kent Rural Grants Programme Panel, as set out in 1.3.4, be agreed;
- (3) the Cabinet Member for Climate Change, Regeneration and Property be agreed as the representative for the Borough Council on the West Kent Rural Grants Programme Panel; and
- (4) the risk assessment for the UKSPF Programme as set out in Appendix 2 be endorsed.

## **CB 23/65 COMMUNITY DEVELOPMENT GRANT SCHEME**

(D230060CAB)

The report sought approval of schemes submitted for funding through the Community Development Grant Scheme.

As part of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Investment Plan, endorsed by Cabinet on 5 July 2022, there had been a total allocation of £165,269 for a community grant scheme. A first round of the Community Development Grant Scheme would operate for 2023/24 with a second round in 2024/25.

A copy of the application form, criteria and scoring sheet used for Round 1 of the Scheme was attached for information at Annex 1. Funding priorities for this year were detailed in 1.2.2 of the report. The deadline for Round 1 applications closed on 16 June 2023 and the total amount of funding applied for by eligible applicants exceeded the total funding pot of £33,962. As a result, the decision had been taken to decrease the amount for some applicants based on a scaled allocation with those achieving higher scores receiving the full amount of funding and those with lower scores receiving a lower amount. The suggested allocations were set out in Annex 2 of the report, with a further detailed summary of the details of each bid and the priorities met set out in Annex 3. It was noted that there was a potential underspend of £622.00 which could be

used to fund the administration costs for the Scheme or used as a contingency fund to support specific bids.

Cabinet welcomed the investment in youth provision as part of this grant funding. On the grounds that Round 1 was oversubscribed, Councillor Boughton proposed, seconded by Councillor Keers that the underspend be passported over to Round 2 funding to support future bids.

**RESOLVED:** That

- (1) the grant allocations, as set out in Annex 2 of the report, be endorsed; and
- (2) the outstanding balance of £622 for 2023/24 be passported over to Round 2 funding

#### **CB 23/66 TMBC OWNED SITES - LOCAL PLAN**

(Decision Notice D230061CAB)

Consideration was given to recommendation FRP 23/13 of the Finance, Regeneration and Property Scrutiny Select Committee of 13 June 2023.

At the request of local Ward Members, further consideration was given to sites 59554 and 59555 (Vauxhall) on the grounds of loss of green space. However, Cabinet felt it was important to retain flexibility and control over future development as part of the Local Plan process and these sites should be considered 'available' when formally responding to the letter from the LPA. Local Ward Members were also reminded that this did not mean that the sites would be developed but would be available for assessment as part of the planning process.

Subsequent to the meeting of the Scrutiny Select Committee, further information in respect of site 59469 (land at Russett Close, Aylesford) had been provided and the previous views of the Planning Inspectorate supporting the protection of this green space were noted. The comments of the local ward Members were also taken into consideration and reflected the concerns raised by residents at the potential loss of this area of open public space.

On the grounds of the extra information provided and having regard to the comments of local Ward Members, Councillor Betts proposed, seconded by Councillor Taylor that site 59469 be unavailable for development when formally responding to the letter from the LPA.

**RESOLVED:** That

- (1) the following 9 TMBC owned sites identified in the urban capacity study be considered **available** for development when formally responding to the letter from the LPA:

- 59559, 59560, 59661, 59562, 59563, 59581 (Cage Green and Angel);
  - 59554 59555 (Vauxhall); and
  - 59572 (Judd)
- (2) the Angel Centre, Tonbridge site be considered available for development when formally responding to the letter from the LPA; and
- (3) the following 12 TMBC owned sites identified in the urban capacity study be considered **unavailable** for development when formally responding to the letter from the LPA:
- 59437 (Larkfield);
  - 59449 (East Malling, West Malling and Offham);
  - 59456 (Birling, Leybourne and Ryarsh);
  - 59502 (Snodland East and Ham Hill);
  - 59469 (Aylesford South and Ditton);
  - 59515; 59516 (Cage Green and Angel);
  - 59521; 59522 (Trench)
  - 59524 (Higham); and
  - 59550; 59552 (Judd)

#### **CB 23/67 TREE SAFETY POLICY**

(Decision Notice D230062CAB)

Consideration was given to recommendation CE 23/16 of the Communities and Environment Scrutiny Select Committee of 14 June 2023.

**RESOLVED:** That the proposed amendments to the Tree Safety Policy, as set out in Annexes 3 and 3a, be approved; subject to:

- clarification with the insurers with regard to the recommended length of time for any tree inspections records to be kept by the Borough Council

#### **CB 23/68 EVENTS ON PUBLIC OPEN SPACES**

(Decision Notice D230063CAB)

Consideration was given to recommendation CE 23/17 of the Communities and Environment Scrutiny Select Committee of 14 June 2023.

**RESOLVED:** That



- (1) the proposed amendments to the Events on Open Spaces Policy and application form, as detailed in Annexes 1 and 2, be approved subject to:
  - a sliding scale schedule for payment of deposits, lawn hire fees and administration fees and the terms and conditions for cancellation and refund being investigated; and
  - agreed in consultation with the Cabinet Member for Community Services and added to section 6 (Charging of the Policy;
- (2) a byelaw to address unauthorised use of the Borough Council's public open space be progressed

**CB 23/69 LITTER AND FLY TIPPING ENFORCEMENT PILOT - 6 MONTH REVIEW**

(D230064CAB)

Consideration was given to recommendation CE 23/18 of the Communities and Environment Scrutiny Select Committee of 14 June 2023.

The Cabinet Member for Transformation and Infrastructure commented that the procurement of a third-party enforcement contract demonstrated that fly tipping and littering would not be tolerated in Tonbridge and Malling.

**RESOLVED:** That a contract for the third-party provision of litter and fly tipping enforcement be procured through a formal tender procedure (as set out in option 3 at 1.4.1 of the report to Communities and Environment Scrutiny Select Committee)

**MATTERS SUBMITTED FOR INFORMATION**

**CB 23/70 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 23/71 MINUTES OF PANELS, BOARDS AND OTHER GROUPS**

The Minutes of the Joint Transportation Board of 5 June 2023 and the Notes of the Parish Partnership Panel of 15 June were received and noted.

**CB 23/72 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.52 pm