

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 19th March, 2024

Present: Cllr D A S Davis (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr Mrs S Bell, Cllr G C Bridge, Cllr R W Dalton, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr A Mehmet, Cllr W E Palmer, Cllr R V Roud and Cllr D Thornewell

A G Bennison, Mrs A S Oakley, K B Tanner, M Taylor, M D Boughton*, M R Rhodes* and Mrs M Tatton* were also present pursuant to Council Procedure Rule No 15.21.

*Participated via MS Teams

HP 24/6 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members nominated for this meeting.

HP 24/7 DECLARATIONS OF INTEREST

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

HP 24/8 MINUTES

RESOLVED: That the notes of the ordinary and extraordinary meetings of the Housing and Planning Scrutiny Select Committee held on 14 December 2023 and 31 January 2024 respectively be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 24/9 EMPTY HOMES

The report of the Director of Planning, Housing and Environmental Health provided an update on the current position in respect of empty homes in the borough, outlined a new Local Government Association (LGA) report on dealing with empty homes and recommended the introduction of a new Empty Homes Officer post.

Members were reminded that 'improving housing options for local people, whilst protecting outdoor areas' was a key priority for the Borough Council and bringing empty homes back into use played an important part within this priority. It was reported that as at 7 February

2024 there were 950 empty homes within the borough although it was important to note that there were two developments/sites accounting for approximately 120 of these, one of which should soon not appear on the list due to demolition.

Attention was drawn to the LGA report which aimed to inform, educate and support all councils irrespective of their current levels of resource and activity on empty homes. The key points and recommendations arising from the LGA report were detailed and summarised in 1.2.2 and 1.2.3. Due regard was also given to the recommendation that councils should consider opportunities to employ a dedicated resource where possible.

Concern was expressed at the number of empty properties within the borough and Members recognised the importance of adopting measures to get these back into use. However, it was also noted that the number of empty properties within Tonbridge and Malling was comparable to similar sized local authorities. There was also detailed discussion on the powers available to local authorities to tackle the longer-term empty properties and it was explained that legislation such as Compulsory Purchase Orders and Enforced Sale could be complex and challenging. It was recognised that there were many reasons why properties remained empty and it was hoped that the engagement of a dedicated resource would enable the Borough Council to explore a number of options to address empty homes, including incentives for tenants to downsize.

The Committee welcomed the establishment of a fixed term Empty Homes Officer post to focus attention, monitor progress and consider a longer-term approach, and supported the recommendation set out in 1.3.2. The financial and value for money considerations detailed in 1.5 were noted and Members supported the creation of a budget of £30,000 to fund work that enabled the facilitation of empty homes being brought back into use. The total cost of the Empty Homes Officer post (estimated at £91,000) and the empty homes budget was circa £121,000 which could be funded from the Housing Assistance Reserve.

Finally, Members supported the suggestion that progress in respect of empty properties should be reviewed and monitored as part of the Key Performance Indicators.

***RECOMMENDED:** That it be commended to Cabinet that

- (1) a two-year fixed-term post of Empty Homes Officer be established;
- (2) the cost of the post (£91,000) and empty homes budget (£30,000) be taken from the Housing Assistance Reserve; and

- (3) the Local Government Association report on empty homes be noted and that this approach be utilised as the basis for the fixed term Empty Officers' work programme.

***Recommended to Cabinet**

HP 24/10 NATIONAL PLANNING POLICY LEGISLATION UPDATE

The report of the Director of Planning, Housing and Environmental Health set out the key changes to planning policy legislation resulting from the Levelling Up and Regeneration Act (LURA) 2023 and the National Planning Policy Framework (NPPF) in December 2023 and outlined the implications for the development of the Local Plan.

Key changes to the plan-making system, planning data requirements and confirmation of the new Infrastructure Levy were introduced by the LURA. However, detailed implications for the Local Plan depended on the timing and content of secondary legislation, regulations and forthcoming best practice. Unlike the LURA, the changes introduced in the 2023 NPPF (detailed in Annex 1) applied from the date of publication and the key changes and implications were set out in 1.3 of the report.

Members noted that a duty to prepare a 'local plan timetable' replaced the existing Local Development Scheme (LDS); the requirement for the authority to set out proposals to meet requirements related to design codes and the new powers allowing the Secretary of State to prepare the timetable, make amendments and direct the authority to bring them into effect. The 'duty to co-operate' was to be replaced by a new alignment policy which was subject to further detail through secondary legislation and guidance.

With regard to the Local Plan, the policy environment had not changed as fundamentally as was previously indicated in the December 2022 consultation. The requirement to work with neighbouring authorities to deliver housing requirements remained. Whilst there was no specific requirement to review Green Belt boundaries to meet needs it was important for the purposes of good planning that 'exceptional circumstances' reasons were explored robustly now. The Local Plan had to clearly demonstrate how local housing need would be met and clear evidence had to be supplied.

In summary, whilst the government proposed to introduce new transitional arrangements to the new plan making system, the current transitional date remained and this meant that the Borough Council had to submit the Local Plan to the Secretary of State by June 2025. However, this would only be formally confirmed when further regulations had gone through the relevant parliamentary process. Therefore, delivery of the Local Plan remained a significant risk and an updated

Risk Register was attached as Annex 2. The potential risk of changing legislation following a Parliamentary Election was also recognised.

In conclusion, the Regulation 18b Local Plan would be presented to Members in May/June 2024. Evidence within the Stage 2 Green Belt Study, Housing Constraints Assessment and Housing Market Delivery Study would be utilised to develop an appropriate sustainable spatial strategy to meet as much of the objectively assessed need as possible.

***RECOMMENDED:** That it be commended to Cabinet that

- (1) the contents of the report be noted; and
- (2) the approach to the Local Plan preparation matters be approved as set out in the report.

***Recommended to Cabinet**

HP 24/11 TEMPORARY ACCOMMODATION AND HOMELESSNESS CONSULTANCY REVIEW

An update was provided on a recent consultancy review of temporary accommodation and homelessness. A copy of the consultant's report was attached at Annex 1. Agreement was also sought to implement the recommendations set out in the Action Plan, attached at Annex 2.

Members were pleased that significant progress had been made by the Housing Team since the last review and welcomed the reduction of households in temporary accommodation at a time when almost all other local authorities had seen an increase. The significant progress made on prevention work was highlighted and the Borough Councils temporary accommodation rate per 1,000 households was now below the South East and all England average.

However, it was also reported that given the continued demands on homelessness services and the need for temporary accommodation, the Borough Council would be unable to continue to manage the temporary accommodation numbers without the service working at maximum efficiency and effectiveness. Members were reassured that due regard would continue to be given to local support networks, caring and educational needs when reviewing cases.

The Action Plan (Annex 2) brought together a number of recommendations to renew focus and practice and to ensure that demand could be managed. The Committee recognised that if the recommendations detailed in the report were not fully implemented there was a risk that numbers in temporary accommodation would increase more than they would have otherwise thus having a negative impact on the authorities finances.

Finally, the Cabinet Member for Finance and Housing recorded appreciation to staff within Housing Services for the significant progress made.

***RECOMMENDED:** That it be commended to Cabinet that

- (1) the Temporary Accommodation and Homelessness Service Review report (attached at Annex 1) be noted; and
- (2) the Action Plan (attached at Annex 2) be approved.

***Recommended to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

HP 24/12 BIODIVERSITY DUTY

Members received and noted the Biodiversity Duty First Consideration Report (attached at Annex 1) which set out how the Borough Council complied with its statutory duty to conserve and enhance biodiversity (habitats and species).

A summary of the current work and/or action contributing to the biodiversity duty was provided in Annex 1. It was also noted that this was a corporate responsibility that was relevant to all Services, actions and decision making.

The Committee was also advised that a Green Infrastructure Strategy setting out potential for bio-diversity net gains on Borough Council owned land would be developed in due course.

HP 24/13 NATIONAL PLANNING FEE INCREASE

Members noted that the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023 came into force on 6 December 2023 and laid legislation to increase planning fees.

The regulations increased planning application fees by 35% for applications for major development and 25% for all other applications, introduced an annual indexation for planning application fees (capped at 10% from 1 April 2025), removed fee exemption for repeat applications, reduced the Planning Guarantee for non-major planning applications from 26 to 16 weeks and introduced a new prior approval fee of £120 for applications for development by the Crown on closed defence sites.

Members welcomed the introduction of an annual increase from 1 April 2025 as previously fees only rose when the regulations were amended and this was last done in 2018.

The main risks to the Borough Council following the introduction of the new Regulations, together with identified mitigation measures, were outlined in 1.4 and noted by the Committee.

HP 24/14 PLANNING APPEAL COSTS

Following a request from the Scrutiny Select Committee, information in respect of the amount spent on appeals was presented. The report focused on what awards of costs had been made against the Borough Council and how much had been paid out since 2021.

In summary, there had been 11 cost decisions awarded against the Borough Council for unreasonable behaviour during 2021. There had also been 7 cost decisions refused where it was found that Tonbridge and Malling had not acted unreasonably. To provide further context, since 1 January 2021 there had been 131 appeal decisions received with 48 allowed, 76 dismissed and 7 withdrawn.

HP 24/15 HOUSING ALLOCATIONS UPDATE

Following a request from the Scrutiny Select Committee, an update was provided on the Borough Councils new Housing Allocations Scheme which was implemented in June 2023.

The key statistics noted by Members as detailed in 1.2.3 and updated by the Director of Planning, Housing and Environmental Health were:

- 921 applications submitted where applicants had advised all actions had been completed.
- 804 households submitted applications but not completed their actions and would likely be removed if that information was not supplied.
- 162 live applications on the housing register.
- 1,131 households assessed and removed for failing to supply documents or not meeting the allocations criteria.
- 67 households submitted a pre-assessment but not completed a full housing register application.

Members noted that the number of households already removed was significantly higher than the number of live housing applications on the housing register. The revised assessment criteria had been introduced to ensure best use of limited social housing stock and had been part of engagement sessions prior to the Housing Allocations Scheme being presented for Member approval.

Concern was also expressed that many applicants appeared to experiencing difficulties when submitting applications and associated documents. Members were assured that the software was used by many organisations and should look familiar to users. However, alternative ways of submitting applications continued to be offered with staff being available to upload documents on applicants behalf. The value of a face-to-face workshop to assist people with submitting applications could also be explored in liaison with community organisations. In the meantime, if there were any specific cases that Members were aware of, they were asked to notify the Housing Service so that assistance could be offered.

Finally, it was reported that the housing allocations position and progress was closely monitored by senior officers, in liaison with the Cabinet Member for Finance and Housing, and it was suggested that regular updates in relation to the key statistics be circulated to Members.

In closing, the Cabinet Member for Finance and Housing indicated that many applicants had successfully navigated the new system and this enabled the Service to prioritise applications appropriately.

HP 24/16 CORPORATE KEY PERFORMANCE INDICATORS

Members received a list of Key Performance Indicators (KPIs) that were aligned to the Corporate Strategy 2023-27 and monitored on a quarterly or annual basis. The data provided in the report of the Interim Chief Executive related to the period up to the end of December 2023.

HP 24/17 WORK PROGRAMME 2024-25

The Work Programme setting out matters to be scrutinised during 2024/25 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE

HP 24/18 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.32 pm