TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 18th February, 2025

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 18th February, 2025

Present: His Worship the Mayor (Councillor S M Hammond), the Deputy Mayor (Councillor C Brown), Cllr L Athwal, Cllr Mrs S Bell, Cllr A G Bennison, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr P Boxall, Cllr G C Bridge, Cllr R I B Cannon, Cllr J Clokey, Cllr M A Coffin, Cllr A Cope, Cllr S Crisp, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr J R S Lark, Cllr A McDermott, Cllr A Mehmet, Cllr D W King, Cllr Mrs A S Oakley, Cllr R W G Oliver, Cllr W E Palmer, Cllr Stacey Pilgrim, Cllr B A Parry, Cllr M R Rhodes, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr D Thornewell, Cllr K S Tunstall and Cllr C J Williams.

Apologies for absence were received from Councillors B Banks and K Barton

PART 1 - PUBLIC

C 25/3 TRIBUTE TO BOROUGH COUNCILLOR MALLARD AND HONORARY ALDERMAN MATTHEW BALFOUR

At the beginning of the meeting the Council observed a minute’s silence in memory of Borough Councillor Wayne Mallard, who had died on 4 February 2025 following a long illness and former Borough Councillor and Honorary Alderman, Matthew Balfour , who had died suddenly on 20 December 2024.

C 25/4 DECLARATIONS OF INTEREST

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

However, for reasons of transparency Cllr Clokey reminded Members that in relation to agenda item 18 (Treasury Management) he was employed by one of the companies who managed the fund. With relation to agenda items 20 and 21 (Notice of Motions) he was an active member of the Tonbridge Town Centre campaign. As these did not represent either a Disclosable Pecuniary or Other Significant Interest there was no reason for Cllr Clokey to withdraw from the meeting.

C 25/5 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 22 October 2024 be approved as a correct record and signed by the Mayor.

C 25/6 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:

- TMBC Aylesford Jobs Fair
- Launch of the Poppy Appeal
- Opening of Aylesford Christmas Market
- Snodland Town Council's Lantern Parade and Christmas Lights
- West Malling Community Choir Christmas Concert
- Tonbridge Philharmonic Society and Tonbridge Round Table's Carol Service
- Hilden Ladies Probus Lunch Club Event
- Remembrance Day Parades and Services in Tonbridge and the RBLI, Aylesford; and
- the Borough Council's Armistice Day Service at the Tonbridge War Memorial.

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

- Primary Schools Debates on 27 February and 6 March 2025
- Cheque Presentation to the Mayors Charity the Royal British Legion Industries on a date to be confirmed

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

The Mayor concluded by thanking the Council for resolving to confer an Honorary Freeman on the Royal British Legion Industries in Aylesford, an organisation that had helped him during a difficult time in his life and which offered support to many people.

C 25/7 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

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

The answers given to each question by the Cabinet Member with responsibility for Planning Services are attached at Annex 1 to these Minutes and published to the 'library' area of the website (as the book containing the permanent record of the question as set out in Council Procedure Rule No. 5.16).

C 25/8 MOTION WITHOUT NOTICE

In accordance with Council Procedure Rule 5.30 (c) Cllr Clokey proposed to change the order of the agenda and hear the Motions on Notice earlier in the meeting for reasons of public interest and engagement. This was seconded by Cllr Cope.

Following some discussion, it was agreed that Motions on Notice should be taken after all the ‘matters for decision’ had been heard to ensure that the Council met its legal duties in setting the annual budget and Council tax.

C 25/9 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

In accordance with Council Procedure Rule No 5.5 a question had been submitted by Cllr Hood in respect of Active Travel and the establishment of a cross-council Member/Officer working group.

A detailed response had been provided by the Cabinet Member for Transformation and Infrastructure (Cllr M Coffin) and the question and answer, attached as Annex 2 to the Minutes, were noted.

In response to a supplementary question, it was indicated that all Members would be invited to attend an Active Travel Workshop jointly hosted by the County and Borough Council to agree short and long-term priorities.

C 25/10 LEADER'S ANNOUNCEMENTS

The Leader thanked the Mayor for allowing a minute’s silence in memory of Borough Cllr Wayne Mallard and Honorary Freeman Matthew Balfour and proposed that Council Procedure Rule 5.25 be suspended to enable all Members who wanted to pay tribute to former colleagues to do so. This was seconded by Cllr Coffin and agreed by the Council.

Members expressed sadness at the loss of Wayne Mallard and Matthew Balfour and sent condolences to their family and friends. A number of personal tributes and anecdotes were also shared

Particular reference was made to the Governments proposals for devolution and reorganisation of local government. Whilst Kent and Medway were not on the priority programme this still represented a significant challenge as indicative proposals for new unitary authorities had to be submitted by March 2025. The Leader was pleased to report on an excellent working relationship between the West Kent authorities and the importance of building and strengthening these relationships with neighbouring authorities was emphasised.

There remained a lot of uncertainty in respect of transitional arrangements and debt as the latter had to be managed within the local area. Disappointment was expressed that the prudent financial planning of Tonbridge and Malling would be impacted by taking on others debt.

The Leader recorded appreciated to both Members and staff at Tonbridge and Malling Borough Council for their continued commitment and professionalism in maintaining services and supporting residents despite the uncertainty around reorganisation.

A number of regeneration projects within the Borough were due to be coming forward shortly including proposals for improved hospitality at the London Golf Club, improved facilities at Buckmore Park, the relocation of Larkfield and New Hythe Football Club, proposals for the London Lionesses (now based in Ditton) and new factory plans for the Royal British Legion Industries.

The Borough Council continued to make progress on its regeneration plans for Tonbridge Town Centre and there had been a good response to the recent resident's survey.

Other good news items included:

- the good progress made on returning empty homes to use with Tonbridge and Malling seeing the greatest reduction in Kent;

- the positive impact of the Anti-Social Behaviour Enforcement Team who were finalists in the iESE Public Sector Transformation Awards 2025 in the Working Together category; and

- the Borough Council being finalists for an Association for Public Service Excellence (APSE) Energy Award 2025 in the category for the Accessing and Managing Finance due to major successes in moving towards the 2030 carbon neutral aspiration with prudent use of finance to decarbonise leisure facilities that were the largest source of our emissions.

Full Leaders announcements were available on the Borough Council's YouTube channel.

MATTERS FOR DECISION

C 25/11 SETTING THE BUDGET 2025/26

Item CB 25/12 referred from the Cabinet of 11 February 2025.

The Cabinet Member for Finance and Housing proposed that Council Procedure Rule No 6.4 be suspended to allow the leading speakers from each Group to exceed the time limit on speeches when debating the budget proposals. This was seconded by Cllr Boughton and supported by the Council.

In presenting the budget proposals, which had been considered by the Overview and Scrutiny Committee and the Cabinet on 23 January and 11 February 2025 respectively, the Cabinet Member for Finance and Housing highlighted the areas of budget growth and pressure, outlined the support provided to vulnerable residents, businesses and community groups during the last financial year and welcomed the better than anticipated final Local Government Finance Settlement figure as well as better than anticipated business rates receipts.

The Cabinet Member for Finance and Housing was pleased to advise that the Borough Council had a balanced budget for 2025/26 and had been able to set aside funds in earmarked reserves for key priorities. In addition, as a result of the inclusion in the final settlement of a grant in relation to the increased cost of Employers' National Insurance contributions it seemed appropriate to transfer the additional funding to the earmarked 'Transformation Reserve'.

It was proposed by Councillor Tanner and seconded by Councillor Boughton that the recommendations at Minute CB 25/12 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

<u>Members voting for the motion:</u>

Cllrs Bell, Bennison, Betts, Bishop, Boughton, Boxall, Bridge, Brown, Cannon, Clokey, Coffin, Crisp, Dalton, Davis, Dean, Hammond, Harman, Hickmott, Hoskins, Hudson, Keers, King, Lark, McDermott, Mehmet, Oakley, Palmer, Rhodes, Roud, Tanner, Tatton, Taylor, Thornewell, Tunstall and Williams

Total: 35

<u>Members voting against the motion</u>: 0

Total: 0

Members abstaining:

Cllrs Athwal, Cope, Hood, Oliver, Parry and Pilgrim

Total: 6

(Total number of Members eligible to vote = 41)

RESOLVED: That the recommendations at Minute CB 25/12 be approved.

C 25/12 SETTING THE COUNCIL TAX 2025/26

Item CB 25/13 referred from the Cabinet of 11 February 2025 recommended that a 3% or £7.14 per annum increase in the Borough Council's element of the Council Tax for 2024/25, representing a notional 'average' charge at Band D of £245.30 be approved.

As the billing authority, the Council was required to resolve the levels of council tax for each Band and for each area within the borough consolidating the requirements from all precepting authorities. A Council Tax Resolution incorporating all this information was presented to Members as a supplement to the agenda (attached at Annex 3).

It was proposed by Councillor Tanner and seconded by Councillor Boughton that the recommendations at Minute CB 25/13 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllrs Athwal, Bell, Bennison, Betts, Bishop, Boughton, Boxall, Bridge, Brown, Cannon, Clokey, Coffin, Cope, Crisp, Dalton, Davis, Hammond, Harman, Hickmott, Hines, Hood, Hoskins, Hudson, Keers, King, Lark, McDermott, Mehmet, Oakley, Oliver, Palmer, Parry, Rhodes, Roud, Tanner, Tatton, Taylor, Thornewell, Tunstall and Williams.

Total: 40

Members voting against the motion: Cllr Dean

Total: 1

Members abstaining: 0

Total: 0

(Total number of Members eligible to vote = 41)

RESOLVED: That the recommendations at Minute CB 25/13 be approved and the Council Tax Resolution 2025/26, as set out as an Annex to these Minutes, be adopted.

C 25/13 LOCAL COUNCIL TAX REDUCTION SCHEME 2025/26

Item CB 25/14 referred from Cabinet of 11 February 2025. It was proposed by Cllr Boughton and seconded by Cllr Tanner that the recommendation of Cabinet be approved.

RESOLVED: That the draft Local Council Tax Reduction Scheme 2025/26 (attached as Annex 1) be approved.

C 25/14 CHANGES TO THE CONSTITUTION

Consideration was given to a number of changes proposed to be made to Part 3 (Responsibilities) for the Council's Constitution in respect of the Terms of Reference for Area Planning Committees and the General Purposes Committee.

The proposal related to Area Planning Committees corrected an inconsistency between the terms of reference and Committee Procedure Rule 15.25 as amended by the Council on 24 October 2023. The terms of reference to be corrected to read 'a risk of significant costs'. Members were reassured that the way that Planning Committees operated would not be affected by this correction as the committee procedure rules took precedence over terms of reference.

Given the significant financial implications flowing from the staff pay award and its specific link to any increase in the rate of Member Allowances it was recommended that the annual determination of this award should be a matter for all Members via full Council following initial consideration by the General Purposes Committee.

Cllr Clokey proposed, seconded by Cllr Hoskins that the terms of reference be amended to 'save for any determination of the annual staff pay where the cost exceeds that for which provision has been made' which would enable the General Purposes Committee to make the decision under delegated powers except in circumstances where there were significant financial implications.

Concern was expressed that at the time the General Purposes Committee considered any staff pay award, budget decisions for the forthcoming year would not yet have been made. As a result, the Borough Council could be faced with a set of circumstances where a decision was taken that was not factored into the organisations long-term financial planning. Following this clarification, Cllr Clokey withdrew his motion with the consent of Cllr Hoskins and the meeting. However, he proposed a further minor amendment to the Terms of Reference and that reference to ‘European elections’ be removed from (1). This was seconded by Cllr Boughton and supported by the Council.

The Mayor proposed, seconded by Cllr Coffin that the recommendations set out in the report and the minor amendment summarised above, be approved.

RESOLVED: That

(1) the Terms of Reference for Area Planning Committees be amended to reflect Committee Procedure Rule 15.25 as set out in the report and summarised above;

(2) the Terms of Reference for the General Purposes Committee be amended to remove responsibility for the annual determination of the staff pay award; and

(3) the Terms of Reference (1) for the General Purposes Committee be amended to delete ‘European’ elections.

C 25/15 APPOINTMENT OF INDEPENDENT PERSON

The report of the Monitoring Officer recommended the appointment of a second Independent Person under the Localism Act 2011.

Applicants for the post were interviewed by a Panel comprising the Chair and Vice-Chair of the Joint Standards Committee and the Group Leaders on 9 January 2025. Details of the applicant to whom the Panel propose to offer the position were set out in the report.

In order to create resilience in the Independent Person role, alongside the current incumbent Mr David Mercier, and to uphold high standards of conduct, Cllr Bell proposed that Mr Paul Cummins be appointed as an Independent Person for a five-year period expiring on 17 February 2030. This was seconded by Cllr Davis and supported by the Council.

RESOLVED: That Mr Paul Cummins be appointed as an Independent Person under s28 of the Localism Act 2011 for a five-year term expiring on 17 February 2030.

C 25/16 APPOINTMENT TO OUTSIDE BODY

Following a request from the Secretary to the Berry Housing Trust, consideration was given to the non-annual appointment of Mr Mathew Crisp as the Borough Council’s representative to serve an indefinite term.

The Trust felt that Mr Crisp would be a valuable asset to the Trustee Board due to his overall knowledge of the area and organisation. There was no requirement for the appointment to be a member of the Borough

Council and the Trust had emphasised the value of having a person with experience of their aims and role and the local area.

The Mayor proposed, seconded by Cllr Harman and the Council

RESOLVED: That

(1) Mr Mathew Crisp be appointed as the Borough Council representative to serve on The Berry Housing Trust for an indefinite term;

(2) The Outside Bodies Schedule be updated for reflect the new appointment; and

(3) Consideration be given as to whether the Berry Housing Trust fitted the Borough Council's criteria for outside body representation.

MOTIONS SUBMITTED UNDER COUNCIL PROCEDURE RULE 5.27

C 25/17 25/002 - ENGLISH DEVOLUTION WHITE PAPER

Consideration was given to a Notice of Motion (25/002) pursuant to Council Procedure Rule No. 5.7 submitted by Cllr King in relation to local government reorganisation and the English Devolution White Paper published in December 2024 (as set out on page 471).

As set out in the Notice, Cllr King proposed, seconded by Cllr Mehmet that the Council:

(1) Expressed its deep disappointment with the top-down approach to Local Government reorganisation that the Government has taken;

(2) Continued to work constructively with all other affected authorities across Kent and Medway to secure the best outcome for residents across Tonbridge and Malling; and

(3) Started the process of a Community Governance Review, with the intention of creating a Town Council in Tonbridge, by establishing a politically proportionate Member working group to oversee the development of an initial Terms of Reference and timetable for this review.

RESOLVED: That actions requested by the Notice of Motion (25/002) be agreed.

C 25/18 25/003 - ESTABLISHMENT OF A TOWN COUNCIL FOR TONBRIDGE

Consideration was given to a Notice of Motion (25/003) pursuant to Council Procedure Rule No. 5.7 submitted by Cllr Bridge in relation to the establishment of a Tonbridge Town Council to avoid a democratic deficit arising as a result of local government reorganisation (as set out on page 472).

As set out in the Notice, Cllr Bridge proposed, seconded by Cllr Hood that the Council should agree, in principle the following:

(1) Tonbridge should have a town council if that is the wish of the people of Tonbridge.

On the grounds that Notice of Motion (25/002) had agreed the principle of undertaking a community governance review into the establishment of a town council for Tonbridge, Cllr Boughton raised a point of order, in accordance with Council Procedure Rule 6.25 and asked that consideration be given to withdrawing Motion 25/003 to avoid the risk of negating the action agreed under Motion 25/002 if a different decision was reached.

However, Cllr Bridge remained of the view that this Motion should proceed and be given due consideration.

Members were also advised that a Petition seeking a community governance review had been received at the Borough Council offices on Monday 16 February 2025 and was pending verification.

Following in-depth discussion there was majority support for this Motion.

RESOLVED: That the action requested by Motion 25/003 be agreed.

C 25/19 25/004 - VILLAGE GREEN STATUS FOR RIVER LAWN, TONBRIDGE

Consideration was given to a Notice of Motion (25/004) pursuant to Council Procedure Rule No. 5.7 submitted by Cllr Hood in relation to granting River Lawn, Tonbridge village green status (as set out on page 475).

As set out in the Notice, Cllr Hood proposed, seconded by Cllr Pilgrim that the Council should resolve that:

(1) In accordance with section 15(8) of the Commons Act 2006, as the landowner it will voluntarily apply for the land known as River Lawn, River Lawn Road, Tonbridge to be registered as a village green; and

(2) A review is undertaken of the policy of rewilding to River Lawn to assess its success and whether this is the most appropriate management of this open space and that the review is considered by the Communities and Environment Scrutiny Select Committee.

RESOLVED: That the action requested by Motion 25/004 be agreed.

C 25/20 25/005 - WAIVER OF LOSS OF EARNINGS FEE FOR TONBRIDGE PRIDE

Consideration was given to a Notice of Motion (25/005) pursuant to Council Procedure Rule No. 5.7 submitted by Cllr Cope in relation to fees for the use of Cannon Lawn, Tonbridge for Tonbridge Pride (as set out on page 477).

Cllr Cope advised that a compromise had been reached in advance of the meeting and in accordance with Council Procedure Rule 6.17 withdrew Motion 25/005. The seconder of the Motion (Cllr Pilgrim) and the Council signified consent to withdraw the Motion.

RESOLVED: That Motion 25/005 be withdrawn

MATTERS RECOMMENDED FOR DECISION BY OTHER COMMITTEES

C 25/21 LOCALISM ACT - PAY POLICY

Consideration was given to the recommendations of the General Purposes Committee of 22 January 2025 in respect of the requirements of the Localism Act 2011 and an updated Pay Policy Statement for 2025/26 as set out in Annex 1.

As there had not been many significant changes in the Borough Council's remuneration policy, the substantive content of the updated Policy was nearly identical to the Borough Council's Pay Policy Statement 2024/25. The key updates related to the actual pay received by staff, the pay multiple data and the number of officers in specific graded posts.

RESOLVED: That the Pay Policy Statement set out in Annex 1 be endorsed and adopted.

C 25/22 ESTABLISHMENT REPORT

Consideration was given to the recommendations of the General Purposes Committee of 22 January 2025 in respect of a number of establishment changes. In accordance with LGA 1972 Sch 12A, the content considered by the General Purposes Committee was exempt for reason 1 – information relating to an individual.

Due regard was given to the views of the General Purposes Committee and the financial and value for money considerations set out in the restricted report.

RESOLVED: That

(1) the fixed term post DC0107, Climate Change Officer, 37 hours, be permanently established with effect from 19 February 2025;

(2) post DJ0318, Principal Planning Officer, be permanently increased from 24 to 32 hours per week;

(3) post DJ0319, Senior Planning Officer, be permanently increased from 20 to 30 hours per week;

(4) the vacant post DJ0315, Principal Planning Officer, 37 hours per week, M8, be deleted;

(5) a new full time, permanent Planning Policy Team Leader post at grade M7, be created;

(6) post DR0014, Contracts, Procurement and Property Lawyer, be deleted;

(7) two new part time posts, a Contracts and Procurement Lawyer and a Property Lawyer at 21 hours per week each, be created; and

(8) the additional costs arising from the report as set out in paragraph 7, be included in the budget for 2025/26.

C 25/23 RISK MANAGEMENT

Consideration was given to the recommendation of the Cabinet of 11 February 2025 in respect of risk management. Due regard had been given to the views of the Audit Committee of 13 January 2024, the review undertaken by Zurich Risk Management, the financial and value for money considerations and the legal implications.

RESOLVED: That

(1) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as RED, be noted;

(2) the progress towards the delivery of recommendations from the Zurich Risk Management Review be noted; and

(3) the objective to present an updated Risk Management Strategy to the Audit Committee in September 2025 be noted and approved.

C 25/24 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2025/26

Consideration was given to the recommendations of Cabinet of 11 February 2025 in respect of treasury management. Due regard had been given to the views of the Audit Committee of 13 January 2025, the details of investments undertaken and return achieved in the first eight months of the current financial year, the financial and value for money considerations and the legal implications.

RESOLVED: That

(1) the treasury management position as at 30 November 2024 be noted; and

(2) the Treasury Management and Annual Investment Strategy for 2025/26 (presented to the Audit Committee at Annex 5) be adopted.

C 25/25 ANNUAL AUDIT REPORT 2023/24

Consideration was given to the recommendations of Cabinet of 11 February 2025 in respect of the Annual Audit Report 2023/24. Due regard was also given to the views of the Audit Committee of 13 January 2025, the financial and value for considerations and the legal implications.

The Chair of the Audit Committee recorded appreciation to the Finance Team for their significant achievement in 'signing-off' the Audit Report by mid-January whilst in the middle of the budget setting process.

RESOLVED: That

(1) the Auditors Annual report for 2023/24 (attached at Annex 1) be approved;

(2) the comments made in respect of the key recommendations from the Annual Audit Report for 2022/23 be noted; and

(3) the management comments raised to the 2023/24 value for Money recommendations be noted and endorsed.

MATTERS FOR INFORMATION

C 25/26 MINUTES OF CABINET AND COMMITTEES

The Minutes of meetings of the Cabinet and Committees for the period November to December 2024 and January 2025 set out in the Minute

Books (Volume 5 and Volume 1) attached as a supplement, were received and noted.

Any recommendations to the Council from Cabinet or Committees were resolved elsewhere on the agenda.

C 25/27 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.

The meeting ended at 11.40 pm

25/001PUB

COUNCIL

MEETING OF 18 FEBRUARY 2025

AGENDA ITEM 6 - QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

The following question has been asked pursuant to Council Procedure Rule No 5.6 by Sharon Page:

- **Question Subject: Costs of Appeal**

At the last Area 2 Planning Committee, Chief Planning Officer James Bailey's reasoning for not accepting the 8;2 majority vote against the application, was on the ground of the cost implication to the council, should the developer appeal any of the grounds for refusal.

It is my understanding that 'costs' must not be a factor in planning decisions. In addition, Mike Taylor council member, stated the significantly substantial cost , running into hundreds of thousands of pounds. The Housing & Planning Scrutiny Select Committee doc of March 2024, highlights the Planning appeal cost to be significantly less than stated.

Therefore, the question is, why is this being used as an excuse for refusal ?

The response of the Cabinet Member of Planning (Cllr M Taylor) provided at the meeting is set out below:

Case law confirms that whilst costs risks and reputational harm are not material planning considerations, Officers giving Councillors advice on potential cost and reputational implications of refusing planning permission is acceptable.

Part 4, Paragraph 15.25 of the constitution states that a Committee decision will stand adjourned until the next meeting where the Officer present feels there is a risk of significant costs against the Council from any potential planning appeal.

However, I did not say we should refuse on the grounds of cost, what I said was if we refused without the support of Statutory Consultees and sound planning reasons we could be taken to appeal, deemed unreasonable and have costs awarded against us - that can run into hundred's of thousands of pounds. I actually proposed another deferral.

25/002PUB

COUNCIL

MEETING OF 18 FEBRUARY 2025

AGENDA ITEM 6 - QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

The following question has been asked pursuant to Council Procedure Rule No 5.6 by Marc Page

- **Question Subject: Sustainability and Safety**

The TMBC's 2020-2030 Climate Change Strategy states that it "has a key role in ensuring that new developments are as sustainable as possible", specifically referencing "reducing travel needs", "maximising opportunities for sustainable travel" and "including walking and cycling routes". The KCC's 2021-2026 'Vision Zero – Road Safety Strategy states a target to "increase levels of safety for walking and cycling" and "to make walking and cycling an attractive and realistic choice for short journeys" and 'improved safety for all road users'.

East Malling currently has NO Cycle paths, NO local amenities, NO regular bus services, inaccessible train platforms (for disabled/infirm/those with small children) and dangerous and often impassable very narrow footpaths.

As such, any new local housing residents (be they in affordable houses or not), like existing residents, would be almost entirely car dependant.

Therefore, how can the Ivy Farm Development, which is estimated to house c. 210 residents, be considered to be even remotely logical or compliant and not exacerbate the existing issues?

The response of the Cabinet Member of Planning (Cllr M Taylor) provided at the meeting is set out below:

I should start by stating that the planning application referred to in the question is still under consideration by this Council, and it due to be considered at the next Area 2 Planning Committee meeting tomorrow. I therefore answer this question in my capacity as Cabinet Member for Planning and deliberately offer no view about whether the application should be approved or rejected, on the basis I am required to approach that meeting with an open mind.

Individual applications are subject to a detailed assessment of sustainability under Paragraphs 8, 9 and 11d of the National Planning Policy Framework. This assessment would cover the location of a proposed development in relation to existing settlements to ensure that a proposal would not be isolated but also have to consider facilities available and the benefits a development might bring. As East Malling benefits from both primary and secondary schools, a railway station and community facilities, Planning Officers recommended to Area 2 Planning

Committee that East Malling would be considered to have facilities that would count towards the sustainability considerations of the area. But Borough Councillors may disagree.

Whilst there may not be a cycle network in the East Malling area, an application would have to consider the overall impacts, both positive and negative, and make a judgement on that basis. This takes into account all of the matters previously referred to as well as important other factors including housing need, and especially the huge uplift in Housing numbers the Government are requiring Tonbridge and Malling Borough Council to find sites for.

25/003PUB

<u>COUNCIL</u>

MEETING OF 18 FEBRUARY 2025

<u>AGENDA ITEM 6 - QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6</u>

The following question has been asked pursuant to Council Procedure Rule No 5.6 by Frances Saunders:

Local Authorities have a statutory duty under the 1990 Planning Conservation Area Act to publish proposals for the enhancement and preservation of their conservation areas. In total, TMBC has 61 designated conservation areas within the borough’s boundaries, all of which are greatly valued by the public as special, much-loved and irreplaceable places.

Please could this Council explain why they are no complying with UK legislation, with Conservation Area Appraisals being woefully out of date (25 years in many cases), no management proposals ever published as required under UK law and many of these important heritage assets under extreme pressures from inappropriate developments and unsustainable traffic levels.

The response of the Cabinet Member of Planning (Cllr M Taylor) provided at the meeting is set out below:

As the Housing and Planning Scrutiny Select Committee considered last week, the Local Plan timetable is ambitious and costly. We have significant pressure on our Planning team, as has been the case for many years. Updating and preparing conservation area appraisals is a significant task.

Like Ms Saunders, I would have liked us to have done more. However, we have just secured some grant funding from Government and will start with 3 conservation area appraisals which will include a 6 week public consultation. The new Heritage Strategy will be prepared as part of our Local Plan work too.

Ms Saunders is right, we need to protect our important heritage assets from inappropriate development, we will do as many as we can and I will action and progress this issue.

25/004PUB

COUNCIL

MEETING OF 18 FEBRUARY 2025

AGENDA ITEM 6 - QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

The following question has been asked pursuant to Council Procedure Rule No 5.6 by Tasha Allen:

Please can you kindly confirm the following - members are using a need for Section 106 funds and affordable housing as reasons for approving planning applications?

However, we are seeing developers, once granted planning permission submitting applications to vary the terms of their 106 Agreements and being approved by the Planning Department. See Esquire Bluebells on Hermitage Lane site. Affordable housing reduced by 25% after permission granted.

Can you confirm how many affordable housing units have been lost in the TMBC areas over the past 3 years by what appears to be a legal loophole that developers are making use of and explain how these are overriding material planning considerations when they are not even guaranteed to stay the same

The response of the Cabinet Member of Planning (Cllr M Taylor) provided at the meeting is set out below:

The National Planning Practice Guidance (NPPG) confirms that viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it.

Viability Assessments follow the guidance set out in the NPPG and are prepared with professional integrity by a suitably qualified practitioner.

The Council uses independent experts to assess all viability appraisals submitted by applicants to ensure a rigorous assessment of the information.

If a lower amount of developer contributions is accepted by the Council, this would be on the basis of evidence supplied by the applicant and verified by the Council through its appointed consultants.

This is a recognised process for assessing a scheme’s viability both through the planning process and post decision. Market conditions at the time play a fundamental factor in this process.

According to the Council’s records and with a number of Deed of Variation applications remaining un-determined (and therefore not part of my response) there have been no affordable housing units lost due to viability considerations post decision in the last three years.

There has however been a number of cases where the affordable housing mix (that is the types of affordable housing and the numbers of each type) has been re-negotiated which has improved the overall viability of the scheme.

COUNCIL

MEETING OF 18 FEBRUARY 2025

AGENDA ITEM 7 – QUESTION ASKED PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

The following question (25/001) has been asked pursuant to Council Procedure Rule No 5.5 by Councillor Mark Hood:

‘Will the council work with colleagues at Kent County Council to establish a cross-council Member/Officer Active Travel Working Group?

Responsibility for Active Travel falls to both of our councils and in preparation for Local Government Reorganisation it is important that plans for improving infrastructure for walking, wheeling and cycling are prepared in unison so that the Tonbridge and Malling Local Cycling and Walking Infrastructure Plan complements the Kent Cycling and Walking Infrastructure Plan and that we bring forward the most coherent plans to take full advantage of external funding. This process is best achieved working together and it is essential that members are able to contribute and represent the views of residents so we have an end result which will work best for our communities.’

Response of the Cabinet Member for Transformation and Infrastructure (Councillor Martin Coffin):

Coherent plans for Active Travel are absolutely essential and that is why officers from both the county and the borough continue to work closely together to ensure that proposals meet policy requirements and are deliverable. They must also take account of the strategic planning framework and ensure that our cycling and walking infrastructure is delivered both for existing communities, despite the challenges that entails, and enables sustainable growth in identified areas.

Supplementary response:

All Members will shortly be invited to attend an Active Travel workshop to agree short and long term priorities and I look forward to discussing this important agenda at that meeting, which will be jointly hosted by KCC and TMBC officers.

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COUNCIL TAX

DRAFT RESOLUTION

1. It be noted that on 18th February 2025 the Council calculated:

(a) the Council Tax Base 2025/26 for the whole Council area as 53,849.82 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")] and,

(b) for dwellings in those parts of its area to which one or more special items (Special expenses and or a Parish precept) relates as follows:

Tonbridge	14,018.22
Addington	440.53
Aylesford	4,593.21
Birling	201.77
Borough Green	1,736.49
Burham	477.01
Ditton	1,824.19
East Malling & Larkfield	5,250.09
East Peckham	1,349.45
Hadlow	1,587.91
Hildenborough	2,344.16
Ightham	1,154.46
Kings Hill	4,751.81
Leybourne	1,919.03
Mereworth	465.49
Offham	412.45
Platt	917.17
Plaxtol	613.30
Ryarsh	375.74
Shipbourne	297.57
Snodland	3,944.90
Stansted	296.64
Trottiscliffe	284.81
Wateringbury	961.34
West Malling	1,302.42
West Peckham	183.15
Wouldham	1,301.65
Wrotham	844.86

2. £13,209,360 being the Council Tax requirement for the Council’s own purposes for 2025/26 (excluding Parish Precepts).

3. That the following amounts be calculated for the year 2025/26 in accordance with Sections 31 to 36 of the Act:

(a)	£107,935,011	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
(b)	£90,780,044	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
(c)	£17,154,967	being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
(d)	£318.57	being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year including Parish precepts.
(e)	£5,182,902	being the aggregate amount of all special items (Special expenses and Parish precepts) referred to in Section 34(1) of the Act.
(f)	£222.32	being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relate (this is the Council Tax for General Expenses to which Special expenses and Parish precepts are added as applicable).

(g)

Part of the Council's area	£
Tonbridge	299.97
Addington	304.32
Aylesford	298.26
Birling	288.09
Borough Green	382.97
Burham	286.84
Ditton	385.36
East Malling & Larkfield	325.14
East Peckham	351.87
Hadlow	336.57
Hildenborough	281.61
Ightham	336.79
Kings Hill	327.54
Leybourne	323.81
Mereworth	324.79
Offham	289.55
Platt	313.13
Plaxtol	320.29
Ryarsh	300.12
Shipbourne	281.18
Snodland	315.38
Stansted	282.26
Trottiscliffe	345.21
Wateringbury	379.46
West Malling	350.10
West Peckham	262.34
Wouldham	282.55
Wrotham	386.06

being the amounts given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items (Special expenses and Parish precepts) relate.

(h)

Valuation Bands

Part of the Council's area	**A** £	**B** £	**C** £	**D** £	**E** £	**F** £	**G** £	**H** £
Tonbridge	199.98	233.31	266.64	299.97	366.63	433.29	499.95	599.94
Addington	202.88	236.69	270.51	304.32	371.95	439.57	507.20	608.64
Aylesford	198.83	231.99	265.12	298.26	364.53	430.82	497.09	596.52
Birling	192.06	224.07	256.08	288.09	352.11	416.13	480.15	576.18
Borough Green	255.31	297.87	340.42	382.97	468.07	553.18	638.28	765.94
Burham	191.22	223.10	254.97	286.84	350.58	414.33	478.06	573.68
Ditton	256.91	299.72	342.54	385.36	471.00	556.63	642.27	770.72
East Malling & Larkfield	216.76	252.89	289.01	325.14	397.39	469.65	541.90	650.28
East Peckham	234.58	273.68	312.78	351.87	430.06	508.26	586.45	703.74
Hadlow	224.38	261.78	299.18	336.57	411.36	486.16	560.95	673.14
Hildenborough	187.74	219.03	250.32	281.61	344.19	406.77	469.35	563.22
Ightham	224.52	261.95	299.37	336.79	411.63	486.48	561.31	673.58
Kings Hill	218.36	254.76	291.15	327.54	400.32	473.11	545.90	655.08
Leybourne	215.87	251.85	287.83	323.81	395.77	467.73	539.68	647.62
Mereworth	216.52	252.62	288.70	324.79	396.96	469.15	541.31	649.58
Offham	193.03	225.21	257.38	289.55	353.89	418.24	482.58	579.10
Platt	208.75	243.55	278.34	313.13	382.71	452.30	521.88	626.26
Plaxtol	213.52	249.12	284.70	320.29	391.46	462.64	533.81	640.58
Ryarsh	200.08	233.43	266.78	300.12	366.81	433.51	500.20	600.24
Shipbourne	187.45	218.70	249.94	281.18	343.66	406.15	468.63	562.36
Snodland	210.25	245.30	280.34	315.38	385.46	455.55	525.63	630.76
Stansted	188.17	219.54	250.90	282.26	344.98	407.71	470.43	564.52
Trottiscliffe	230.14	268.50	306.86	345.21	421.92	498.64	575.35	690.42
Wateringbury	252.97	295.14	337.30	379.46	463.78	548.11	632.43	758.92
West Malling	233.40	272.30	311.21	350.10	427.90	505.70	583.50	700.20
West Peckham	174.89	204.05	233.19	262.34	320.63	378.94	437.23	524.68
Wouldham	188.36	219.77	251.16	282.55	345.33	408.13	470.91	565.10
Wrotham	257.37	300.27	343.17	386.06	471.85	557.64	643.43	772.12

being the amounts given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted that for the year 2025/26 The Police & Crime Commissioner for Kent, the Kent & Medway Fire & Rescue Authority and the Kent County Council have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

	Valuation Bands							
	A	B	C	D	E	F	G	H
Precepting Authority	£	£	£	£	£	£	£	£
The Police & Crime Commissioner for Kent	180.10	210.12	240.13	270.15	330.18	390.22	450.25	540.30
Kent & Medway Fire & Rescue Authority	63.24	73.78	84.32	94.86	115.94	137.02	158.10	189.72
Kent County Council	1,127.46	1,315.37	1,503.28	1,691.19	2,067.01	2,442.83	2,818.65	3,382.38

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4. above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2025/26, for each of the categories of dwellings shown below:

	Valuation Bands							
	A	B	C	D	E	F	G	H
Part of the Council's area	£	£	£	£	£	£	£	£
Tonbridge	1,570.78	1,832.58	2,094.37	2,356.17	2,879.76	3,403.36	3,926.95	4,712.34
Addington	1,573.68	1,835.96	2,098.24	2,360.52	2,885.08	3,409.64	3,934.20	4,721.04
Aylesford	1,569.63	1,831.26	2,092.85	2,354.46	2,877.66	3,400.89	3,924.09	4,708.92
Birling	1,562.86	1,823.34	2,083.81	2,344.29	2,865.24	3,386.20	3,907.15	4,688.58
Borough Green	1,626.11	1,897.14	2,168.15	2,439.17	2,981.20	3,523.25	4,065.28	4,878.34
Burham	1,562.02	1,822.37	2,082.70	2,343.04	2,863.71	3,384.40	3,905.06	4,686.08
Ditton	1,627.71	1,898.99	2,170.27	2,441.56	2,984.13	3,526.70	4,069.27	4,883.12
East Malling & Larkfield	1,587.56	1,852.16	2,116.74	2,381.34	2,910.52	3,439.72	3,968.90	4,762.68
East Peckham	1,605.38	1,872.95	2,140.51	2,408.07	2,943.19	3,478.33	4,013.45	4,816.14
Hadlow	1,595.18	1,861.05	2,126.91	2,392.77	2,924.49	3,456.23	3,987.95	4,785.54
Hildenborough	1,558.54	1,818.30	2,078.05	2,337.81	2,857.32	3,376.84	3,896.35	4,675.62
Ightham	1,595.32	1,861.22	2,127.10	2,392.99	2,924.76	3,456.55	3,988.31	4,785.98
Kings Hill	1,589.16	1,854.03	2,118.88	2,383.74	2,913.45	3,443.18	3,972.90	4,767.48
Leybourne	1,586.67	1,851.12	2,115.56	2,380.01	2,908.90	3,437.80	3,966.68	4,760.02
Mereworth	1,587.32	1,851.89	2,116.43	2,380.99	2,910.09	3,439.22	3,968.31	4,761.98
Offham	1,563.83	1,824.48	2,085.11	2,345.75	2,867.02	3,388.31	3,909.58	4,691.50
Platt	1,579.55	1,842.82	2,106.07	2,369.33	2,895.84	3,422.37	3,948.88	4,738.66
Plaxtol	1,584.32	1,848.39	2,112.43	2,376.49	2,904.59	3,432.71	3,960.81	4,752.98
Ryarsh	1,570.88	1,832.70	2,094.51	2,356.32	2,879.94	3,403.58	3,927.20	4,712.64
Shipbourne	1,558.25	1,817.97	2,077.67	2,337.38	2,856.79	3,376.22	3,895.63	4,674.76
Snodland	1,581.05	1,844.57	2,108.07	2,371.58	2,898.59	3,425.62	3,952.63	4,743.16
Stansted	1,558.97	1,818.81	2,078.63	2,338.46	2,858.11	3,377.78	3,897.43	4,676.92
Trottiscliffe	1,600.94	1,867.77	2,134.59	2,401.41	2,935.05	3,468.71	4,002.35	4,802.82
Wateringbury	1,623.77	1,894.41	2,165.03	2,435.66	2,976.91	3,518.18	4,059.43	4,871.32
West Malling	1,604.20	1,871.57	2,138.94	2,406.30	2,941.03	3,475.77	4,010.50	4,812.60
West Peckham	1,545.69	1,803.32	2,060.92	2,318.54	2,833.76	3,349.01	3,864.23	4,637.08
Wouldham	1,559.16	1,819.04	2,078.89	2,338.75	2,858.46	3,378.20	3,897.91	4,677.50
Wrotham	1,628.17	1,899.54	2,170.90	2,442.26	2,984.98	3,527.71	4,070.43	4,884.52