

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION**

**Decision Taken By: Cabinet**

**Decision No: D250030CAB**

**Decision Type: Non Key**

**Date: 01 April 2025**

**Decision(s) and Reason(s)**

**Petition - Save West Malling Farmers Market**

Consideration was given to a petition received from Councillors T Dean, R Roud and M Tatton as joint sponsors asking that the four-hour parking restriction at Ryarsh Lane Car Park be lifted for traders at the West Malling Farmers Market so that a Farmers Market could continue to be provided on the fourth Sunday of each month in West Malling.

The petition organisers addressed the Cabinet in accordance with the Borough Council's Petition Scheme, as set out in the Constitution, and expressed concerns in respect of the impact that a four-hour parking limit had on the viability of the operation of the West Malling Farmers Market for market operators and stall holders. It was clarified by the petitioners that they were seeking lifting of the four-hour maximum parking time restriction only rather than a waiver of parking charges, to allow market traders sufficient time of parking at the Ryarsh Lane Car Park to complete all the necessary tasks associated with the operation of the four-hour market.

Due regard was given to the views of the petition organisers and legal implications detailed in the report of the Director of Street Scene, Leisure and Technical Services.

Recognising the importance of the West Malling Farmers Market not only to the market traders and local residents but also to the development and vibrance of the area, the petition was supported by the Cabinet Member for Transformation and Infrastructure, who in addition suggested that consideration be given to allowing parents and/or carers of children in West Malling Church of England Primary School to park at the Ryarsh Lane Car Park for up to 15 minutes during school collection time, to be included within the same Notice of Variation that was to be issued to amend the parking time restriction in support of the petition regarding the West Malling Farmers Market.

Cllr M Coffin proposed, seconded by Cllr M Boughton and Cabinet

**RESOLVED:** That

(1) the Petition seeking lifting of a four-hour parking restriction at Ryarsh Lane

Car Park for traders at West Malling Farmers Market, as set out in Annex 1, be received and noted;

- (2) a provision be made to enable parents and/or carers of children in West Malling Church of England Primary School to park at the Ryarsh Lane Car Park for up to 15 minutes during school collection time; and
- (3) an Amendment to the Off Street Parking Order be made to alter the charging period of Ryarsh Lane Car Park in West Malling, to reflect the changes agreed per above (1) and (2), by way of the issuing of a Notice of Variation with its display in the car park affected and in the local press for a period of not less than 21 days prior to the changes coming into effect, as set out in paragraph 1.2.2 of the report, subject to agreement of a suitable tariff as a linear extension of the current charging arrangement.

Reasons: As set out in the report submitted to Cabinet on 1 April 2025.

Signed Leader: M Boughton

Signed Chief Executive: D Roberts

Date of publication: 3 April 2025

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

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**Decision(s) and Reason(s)**

**Corporate Key Performance Indicators - Q3 2024/25**

Consideration was given to a set of Key Performance Indicators covering Quarter 3 of 2024/25 (October to December 2024), attached at Annex 1, which were aligned to the Corporate Strategy 2023 – 2027 and monitored on a quarterly or annual basis.

Quarterly trends in respect of both positive direction of travel and areas of focus were identified and highlighted in paragraph 4.2 of the report, with particular reference made to the drop in reported Anti-Social Behaviour (ASB) cases thanks to the engagement of the Council's ASB Enforcement Team, drop in the 5 Year Housing Land Supply due to the higher housing need set out in the revised National Planning Policy Framework, ongoing challenge in addressing the Housing Register backlog given the higher than normal number of applications received in the last few months and the slight reduction in the recycling and composting rate although it was noted that a comprehensive programme of recycling promotion was scheduled for the next year to maximise performance.

Furthermore, it was noted that a long view for the Corporate Key Performance Indicators for the last six quarters was attached at Annex 2.

Cabinet had due regard to the risk assessment and consultation, communication and implementation considerations and noted that given the overlap between introduction of the new Annual Service Delivery Plan 2025/26 and the scheduled reporting of Q4 2024/25 Key Performance Indicators, there was advantage of circulating an end-of-year report via email and publishing on the Council website instead of reporting through the formal decision-making channels.

**RESOLVED:** That

- (1) the report and the Key Performance Indicators for Q3 2024/25, set out in Annexes 1 and 2, be noted; and
- (2) the arrangements for reporting Q4 2024/25 Key Performance Indicators, as set out in paragraph 4.4 of the report, be approved.

Reasons: As set out in the report submitted to Cabinet on 1 April 2025.

Signed Leader:

M Boughton

Signed Chief Executive:

D Roberts

Date of publication:

3 April 2025

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**Decision(s) and Reason(s)**

**50th Anniversary Community Grant Scheme**

Consideration was given to proposals for the allocation of the 50<sup>th</sup> Anniversary Community Grant Scheme as detailed in Annex 2 of the report.

The proposed grant allocations focused on projects best meeting the priorities for the Scheme, as set out in paragraph 2.2 of the report, and were assessed against a set of scoring criteria and guidelines as outlined in Annex 1 of the report. While the scheme was welcomed by the community, the difficulty in agreeing a proposal for the allocations was acknowledged due to significant over-subscription. However, it was noted that another round of community grant scheme would be available later in the year to hopefully provide support to more community and voluntary groups within the borough.

Cabinet had due regard to the risk assessment, the financial and value for money considerations and the consultation and communication implications.

Cllr M Boughton proposed, seconded by Cllr D Keers and Cabinet

**RESOLVED:** That the grant allocations for the Tonbridge and Malling Borough Council 50<sup>th</sup> Anniversary Community Grant Scheme, as set out in Annex 2 of the report, be endorsed.

Reasons: As set out in the report submitted to Cabinet on 1 April 2025.

Signed Leader: M Boughton

Signed Chief Executive: D Roberts

Date of publication: 3 April 2025

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**Date: 01 April 2025**

**Decision(s) and Reason(s)**

**Corporate Policies Update**

Consideration was given to proposals to update the Borough Council's policies regarding the administration of council tax and business rate discounts/reliefs and the recovery of unpaid debts.

First of all, the Empty Homes and Second Homes Premium Policy was updated to reflect the exceptions to the premium charges as introduced by the Council Tax (Prescribed Classes of Dwellings and Consequential Amendments) (England) Regulations 2024.

Secondly, in accordance with the 2024 Autumn Statement announced by the Government, the Discretionary Non-Domestic Rate Relief Policy was updated to reflect the changes in respect of Retail, Hospitality & Leisure Relief, and also the changes in respect of private schools which from April 2025 were no longer entitled to charitable relief.

Finally, a review of the existing Corporate Debt Recovery Policy had been undertaken as recommended by the Finance, Regeneration and Property Scrutiny Select Committee and identified no amendments required.

Cllr M Boughton proposed, seconded by Cllr K Tanner and Cabinet

**RESOLVED:** That

- (1) the Empty Homes and Second Homes Premium Policy for the 2025/26 financial year be amended as set out in Annex 1, with effect from 1 April 2025;
- (2) the Discretionary Non-Domestic Rate Relief Policy for the 2025/26 financial year be amended as set out in Annex 2, with effect from 1 April 2025; and
- (3) it be noted that the Corporate Debt Recovery Policy had been reviewed with no amendment required.

Reasons: As set out in the report submitted to Cabinet on 1 April 2025.

Signed Leader:

M Boughton

Signed Chief Executive:

D Roberts

Date of publication:

3 April 2025

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**Decision Taken By: Cabinet**

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**Decision Type: Key**

**Date: 01 April 2025**

**Decision(s) and Reason(s)**

**Waste, Recycling and Street Cleansing Contract**

Consideration was given to the recommendations of the Communities and Environment Scrutiny Select Committee of 5 March 2025 in respect of a set of detailed specifications in relation to the procurement of the Borough Council's Waste Services Contract in partnership with Tunbridge Wells Borough Council.

Cabinet had due regard to the view of the Scrutiny Select Committee, the financial and value for money considerations, risk assessment and legal implications.

Cllr M Coffin proposed, seconded by Cllr M Boughton and Cabinet

**RESOLVED:** That

- (1) the Competitive Flexible Procedure procurement route and timeline as outlined in Section 5.1 of the report submitted to the Communities and Environment Scrutiny Select Committee of 5 March 2025, be agreed;
- (2) the proposed contract length of 12 years, as outlined in Section 5.2.1 of the aforementioned report, be agreed;
- (3) joint delegated authority be given to the Cabinet Member for Transformation and Infrastructure and the Director of Street Scene, Leisure and Technical Services to agree contract variations following dialogue and negotiation ahead of the contractors' final bids, as outlined in Section 5.1.5 of the aforementioned report;
- (4) the proposed Specification amendment, highlighted in Section 5.3 of the aforementioned report, be agreed and reflected in the tender pack;
- (5) the proposed areas of dialogue, as highlighted in Section 5.4 of the aforementioned report, be agreed;
- (6) the proposed contract options, as highlighted in Section 5.5 of the aforementioned report, be agreed;
- (7) the approach to vehicle finance options, as highlighted in Section 5.6 of the aforementioned report, be determined by the Partner Authorities' Finance lead officers and be reported to the appropriate Committee and Cabinet;

- (8) the proposed method of contract indexation, as highlighted in Section 5.7 of the aforementioned report, be agreed;
- (9) the proposed tender evaluation be progressed in accordance with Section 5.8 of the aforementioned report; and
- (10) the proposed approach to decarbonisation, as highlighted in Section 12.7 of the aforementioned report, be agreed.

Reasons: As set out in the report submitted to Communities and Environment Scrutiny Select Committee on 5 March 2025.

Signed Leader: M Boughton

Signed Chief Executive: D Roberts

Date of publication: 3 April 2025

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**Decision(s) and Reason(s)**

**Green and Blue Infrastructure Strategy**

Consideration was given to the recommendations of the Communities and Environment Scrutiny Select Committee of 5 March 2025 in respect of an updated Green and Blue Infrastructure Strategy.

Following consideration by the Scrutiny Select Committee, the draft Strategy had been updated to take into account a number of suggestions made by Members and an updated Green and Blue Infrastructure Strategy was attached at Annex 1.

Cabinet had due regard to the views of the Scrutiny Select Committee, the risk assessment, the financial and value for money implications and the implementation considerations.

Cllr R Betts proposed, seconded by Cllr M Taylor and Cabinet

**RESOLVED:** That the updated Green and Blue Infrastructure Strategy, as set out in Annex 1, be endorsed for publication.

Reasons: As set out in the report submitted to Cabinet on 1 April 2025.

Signed Leader: M Boughton

Signed Chief Executive: D Roberts

Date of publication: 3 April 2025

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**Date: 01 April 2025**

### **Decision(s) and Reason(s)**

#### **Replacement Angel Leisure Centre**

Consideration was given to proposals in respect of replacement of the Angel Leisure Centre in Tonbridge with a new state-of-the-art leisure and community facility located in the town centre area.

When considering the recommendation from the Tonbridge Town Centre Programme Board on the selected location for the replacement leisure centre, Members recognised that the expertise of the Council's Leisure development partner and Masterplanning consultants and the views of Members to ensure the selected site fit into the broader objectives of the town centre masterplanning exercise had been taken into consideration.

Members further noted that the final design of the replacement leisure and community facility would be developed over the next 12 months and reported to the Tonbridge Town Centre Programme Board in due course, subject to public consultation and planning approval.

While noting from the capital plan evaluation attached at Annex 2 that the overall project cost to build a replacement leisure centre was estimated to be significant and would represent the largest investment in a project by the Borough Council, Members also acknowledged that there would be option for the Borough Council to discontinue with the project after each of the Royal Institute of British Architects (RIBA) Stages should such a need arise within the context of the Local Government Reorganisation programme and the approval being sought at this stage was for financial commitment to meet the cost for RIBA Stage 2 only.

Concern was raised by the Cabinet Member for Finance and Housing on the estimated cost for the project as identified by the feasibility study undertaken during RIBA Stage 1 and it was recognised that in order to fund the project, external borrowing would have to be considered alongside utilising reserves as part of the funding options, although efforts was being made and would continue to be made within the Borough Council to minimise the need for external borrowing and maximise the value for money to arise from the project. In addition, Members were advised that negotiation with the Tonbridge and Malling Leisure Trust, being the agreed operator of the new leisure centre, was underway in respect of a capital contribution and revised service fees in favour of the Borough Council as part of the wider discussion with regard to a potential contract extension, in anticipation of an uplift in projected net revenue based on forecasted increase in latent demand.

Cabinet had due regard to the financial and value for money considerations, risk assessment and legal implications and reinforced the necessity for additional and tight control to be put in place to enable Cabinet to monitor the entire process of the project to ensure best value for money was achieved with prudent spend of taxpayers' money.

Cllr M Boughton proposed, seconded by Cllr M Coffin and Cabinet

**RESOLVED:** That

- (1) the Sovereign Way Mid Car Park be selected as the site location for the new Leisure Centre;
- (2) the timeline for the project as shown in Annex 5, be noted, subject to the timeline being amended to reflect that following each Royal Institute of British Architects (RIBA) Stage the Cabinet Member for Climate Change, Regeneration and Property, in consultation with the Cabinet Member for Finance and Housing and the Cabinet Member for Community Services, be asked to confirm agreement to move on to the next RIBA stage;
- (3) subject to approval of the project by full Council, the appointment of Alliance Leisure Services Ltd as the Borough Council's leisure development partner to progress the project through the RIBA Stages, be approved;
- (4) negotiations with the Tonbridge and Malling Leisure Trust be commenced by the Chief Executive of the Borough Council regarding a capital contribution and an ongoing annual contribution to the project and draft Heads of Terms be brought forward by the Chief Executive; and
- (5) £400,000 be transferred from the Borough Council's Climate Change Reserve to the earmarked reserve for the Angel Leisure Centre replacement.

**RECOMMENDED\*:** That

- (1) List C Capital Plan Evaluation for the replacement Angel Leisure Centre scheme, at set out in Annex 2, be transferred to List A of the Capital Plan.

**\*Recommended to Council**

Reasons: As set out in the report submitted to Cabinet on 1 April 2025 (contains exempt information).

Signed Leader: M Boughton

Signed Chief Executive: D Roberts

Date of publication: 3 April 2025

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