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TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 13th May, 2025

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 13th May, 2025

Present: His Worship the Deputy Mayor/Mayor (Cllr C Brown), the Deputy Mayor (Cllr K Tanner*), Cllr B Banks, Cllr K Barton, 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 L Chapman, Cllr J Clokey, Cllr M A Coffin, Cllr A Cope, 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 Mrs M Tatton, Cllr M Taylor, Cllr K S Tunstall and Cllr C J Williams

(*from item 3)

Apologies for absence were received from Councillors L Athwal, S Crisp, S M Hammond and D Thornewell

PART 1 - PUBLIC

C 25/39 ELECTION OF MAYOR

It was proposed by Councillor Harman and seconded by Councillor Boughton that Councillor Christopher Brown be elected Mayor for the municipal year 2025/26.

Following a formal vote there was majority support for the proposal.

RESOLVED: That Councillor Christopher Brown be elected Mayor for the municipal year 2025/26.

The Mayor having made the statutory declaration of acceptance of office assumed the Chair and thanked Members for their election.

C 25/40 ELECTION OF DEPUTY MAYOR

It was proposed by Councillor Harman and seconded by Councillor Boughton and following a formal vote

RESOLVED: That Councillor Kim Tanner be appointed Deputy Mayor for the municipal year 2025/26.

The Deputy Mayor made the statutory declaration of acceptance of office and thanked Members for the appointment.

C 25/41 VOTE OF THANKS TO RETIRING MAYOR

Members expressed appreciation to the retiring Mayor for dedicated and loyal service to the Borough and its residents and for his good humoured approach to the role and the way that he engaged with the community.

In the absence of the outgoing Mayor who had submitted apologies due to ill health, a pre-prepared statement was read out on his behalf by the Leader of the Borough Council:

‘Cllr Hammond would like to thank everyone for their generosity and support during his year as Mayor and especially Penny Dyson for being such a wonderful Mayoress, Cllr Chris Brown for his support as Deputy Mayor and to Cllrs Bell, Lark, Roud and Davis for attending engagements on his behalf as Past Mayors. The school debates hosted by Cllrs Brown and Lark were a huge success and have received positive feedback from all the local schools who participated.

He would also like to thank the Scouts and Guides, Schools, all the charities and businesses in the borough for their amazing work with their communities as well as the Tonbridge Lions, the Tonbridge Rotary Club and the Community Choirs.

Highlights from a memorable and enjoyable year include visiting local schools, care homes and the scouts and guides in the borough, the D - Day Beacon Lighting Ceremony at the RBLI, Spadework’s 40th Anniversary Celebration and many more.

Steve has raised over £1,000 for his charity Royal British Legion Industries (RBLI) and is especially pleased that the Borough Council conferred a Honorary Freeman on the organisation during his mayoral term.’

Members wished Cllr Hammond a good recovery and wished him well for the future.

It was proposed by Cllr Williams, seconded by Cllr Cannon and

RESOLVED: That the Borough Council’s sincere appreciation be recorded for the excellent manner in which the retiring Mayor, Cllr Steve Hammond, had performed the mayoral duties both in the Council Chamber and throughout the Borough during the preceding year.

C 25/42 DECLARATIONS OF INTEREST

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

C 25/43 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 8 April 2025 be approved as a correct record and signed by the Mayor.

C 25/44 MAYOR'S ANNOUNCEMENTS

The Mayor thanked Members for the opportunity to represent the Borough Council and he looked forward to supporting the many organisations and individuals who made Tonbridge and Malling special.

He thanked Cllr Hammond for his tremendous work as Mayor over the last year, even while battling health issues and wished him a speedy recovery. Appreciation was also expressed for the support received from Cllrs James Lark, Sue Bell, Roger Roud and Dave Davis as past Mayors who had stepped in to assist in supporting events across the borough.

The Mayor's Charities for the year would be the British Heart Foundation and Hospice in the Weald. Details of future charity events would be shared in due course.

C 25/45 ELECTION OF MEMBER FOR SNODLAND EAST AND HAM HILL WARD

The report of the Returning Officer advised of the result of the recent by-election of a Borough Councillor for Snodland East and Ham Hill ward held on 1 May 2025.

The result of the election was as follows:

Chapman Luke	Conservative Party Candidate	543
Loader Shaun	Labour Party	346
Watts Nick	Independent	195
Winterbottom Kim	The Green Party	151

Luke Chapman was therefore elected to serve as a Borough Councillor and had duly made their declaration of acceptance of office.

MATTERS FOR DECISION**C 25/46 POLITICAL BALANCE ARRANGEMENTS**

The report of the Chief Executive set out details of political balance arrangements required to be applied to the Borough Council's committees, scrutiny select committees and advisory panels and boards. The outcome of the Snodland East and Ham Hill Ward by-election on 1 May 2025 was also reflected in the calculations.

It was proposed by the Mayor, seconded by Cllr Boughton and

RESOLVED: That the composition of all committees, scrutiny select committees and advisory panels and boards be approved in accordance with the table attached at Annex A of the report and the Monitoring Officer make any consequential amendments to the Borough Council's Constitution in respect of political balance.

C 25/47 APPOINTMENT OF CABINET

The Leader presented details of the composition of the Cabinet.

Having given the requisite notice to the Chief Executive and in accordance with paragraph 6 of the Rules for the Making of Decisions by Executive Members (set out in Part 4 of the Constitution), the Leader indicated the intention to amend the Scheme of Delegation relating to executive functions. The Chief Executive would present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

RESOLVED: That it be noted that the Cabinet would comprise 6 Members (including the Leader) with the portfolios set out at Annex 1 and duplicated below:

Councillor M Boughton	-	Leader
Councillor R Betts	-	Housing, Environment and Economy
Councillor M Coffin	-	Deputy Leader; and Finance, Waste and Technical
Councillor D Keers	-	Community Services
Councillor A Mehmet	-	Infrastructure and Tonbridge Regeneration
Councillor M Taylor	-	Planning

C 25/48 APPOINTMENT OF COMMITTEES

It was proposed by Cllr Boughton, seconded by Cllr Coffin and

RESOLVED: That appointments to the Committees of the Borough Council for 2025/26 be approved as set out in Annex 2.

C 25/49 APPOINTMENT OF SCRUTINY SELECT COMMITTEES, PANELS AND OTHER MEMBER GROUPS

It was proposed by Cllr Boughton, seconded by Cllr Coffin and

RESOLVED: That appointments to the Scrutiny Select Committees, Advisory Panels and other member groups of the Borough Council for 2025/26 be approved as set out in Annex 3.

C 25/50 APPOINTMENT OF CHAIR AND VICE-CHAIR

It was proposed by Cllr Boughton, seconded by Cllr Coffin and

RESOLVED: That appointments of Chair and Vice-Chair of each Committee, Scrutiny Select Committee, Panel and Group for 2025/26 be approved as set out in Annex 4.

(A clarification in respect of the second vice-chair role would be provided out of meeting)

C 25/51 APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to the nominations for annual and non-annual appointments to Outside Bodies, as set out in Annex 5 to the report. A number of changes to the Outside Bodies schedule were also recommended as detailed in 5.3 to 5.6 of the report.

It was proposed by Cllr Boughton, seconded by Cllr Coffin and

RESOLVED: That

- (1) the annual appointments to serve on outside bodies for 2025/26 be approved as set out at Annex 5;
- (2) the non-annual appointments to serve on outside bodies for 2025/26 be approved as set out at Annex 5;
- (3) the Allington Community Liaison Group be removed from the Outside Bodies schedule due to the lack of engagement and communication;
- (4) the Gatwick Airport Noise Management Board Community Forum be removed from the Outside Bodies schedule as the majority of business no longer had any relevance to Tonbridge and Malling;
- (5) that Rochester Airport Delivery Board be removed from the Outside Bodies Schedule as the organisation no longer existed;

- (6) Mr Mark Davis be appointed as the Borough Council representative to serve on Tonbridge Town Lands and Richard Mylls Charity for a four-year period;
- (7) the appointments of Mrs Dianne Huntingford and Vivian Branson to serve as Borough Council representatives on the Tonbridge United Charity be extended until May 2027 in line with other non-annual appointments; and
- (8) the approach to the Haysden Country Park User panel adopted in 2021 be noted.

C 25/52 APPOINTMENT OF SUBSTITUTE MEMBERS

It was proposed by Cllr Boughton, seconded by Cllr Coffin and

RESOLVED: That appointments to serve as substitute members for 2025/26 be approved as set out in Annex 6.

C 25/53 SCHEME OF DELEGATIONS

Members were invited to confirm the Scheme of Delegation in compliance with the Constitution.

It was proposed by the Mayor, seconded by Cllr Boughton and

RESOLVED: That

- (1) those parts of the scheme of delegation set out in Part 3 of the Constitution which are for the Council to approve (Responsibility for Council Functions) be confirmed;
- (2) the Leader's recommendations concerning the arrangements for decision-making by individual executive Members set out in Part 3 of the Constitution (Responsibility for Executive Functions and Portfolios of Cabinet Members) be adopted; and
- (3) the current scheme of delegation to officers in respect of executive functions set out in Part 3 of the Constitution (Functions and Powers Delegated to Officers) be re-adopted.

C 25/54 PROGRAMME OF MEETINGS

Following approval of Full Council on 8 April 2025, the programme of meetings for 2025/26 was presented for adoption by Annual Council in accordance with Council Procedure Rule 1.2 (m) as set out in the Constitution.

It was proposed by Cllr Boughton, seconded by Cllr Coffin and

RESOLVED: That the programme of meetings for 2025/26 and the provisional programme of meetings for 2026/27 (as set out at Annexes 1 and 2 to the report) be adopted.

C 25/55 TONBRIDGE TOWN COUNCIL - COMMUNITY GOVERNANCE REVIEW

The report of the Chief Executive presented for consideration terms of reference, timetable and consultation plan for a Community Governance Review (CGR) to create a Town Council for Tonbridge.

Resources would also be required to publicise the review, undertake the formal consultation processes and analyse and report on responses.

It was proposed by Cllr Boughton, seconded by Cllr Coffin and

RESOLVED: That

- (1) a Community Governance Review be conducted in accordance with the Local Government and Public Involvement in Health Act 2007 and the Terms of Reference set out in Annex 1 to the report; and
- (2) a one-off budget of £12,000 be approved for the conduct of the Community Governance Review to be funded through a supplementary estimate from the General Revenue Reserve.

C 25/56 RECRUITMENT OF HEAD OF FINANCE AND SECTION 151 OFFICER

The report of the Chief Executive presented arrangements for the permanent appointment of a newly created Head of Finance and Section 151 Officer post following the retirement of the long-serving Director of Finance and Transformation.

As the post was a Statutory Chief Officer due to the requirement for the postholder to discharge the statutory function of being the Borough Council's Section 151 Officer and in accordance with the Officer Employment Procedure Rules, set out in Part 4 of the Constitution, it was necessary to establish a Member Panel to oversee the recruitment process.

It was also recommended that due to the specialist skillset and seniority of the post that a recruitment agency be engaged at a one-off cost of £25,000 to be funded through a supplementary estimate from the General Revenue Reserve.

Cllr Boughton proposed that the Member Panel be formed of the Leader, Deputy Leader (Cllr Coffin) and the Leader of the Opposition

(Cllr Oakley). This was seconded by Cllr Coffin and supported by the Council.

It was proposed by Cllr Boughton, seconded by Cllr Oakley and

RESOLVED: That

- (1) the formation of a Member Panel (comprising the Leader, Deputy Leader and the Leader of the Opposition) to make the permanent appointment to the post of Head of Finance and Section 151 Officer be agreed;
- (2) the appointment of a special recruitment search and selection partner to lead on the recruitment and selection of the Head of Finance and Section 151 Officer post be agreed; and
- (3) a one-off budget of £25,000 to be funded through a supplementary estimate from the General Revenue Reserve be approved for the costs of recruitment.

MATTERS RECOMMENDED FOR DECISION BY OTHER COMMITTEES

C 25/57 ANNUAL REPORT OF THE CHAIRMAN OF THE AUDIT COMMITTEE

Consideration was given to the recommendations of the Audit Committee of 14 April 2025 in respect of the Audit Committee Annual Report.

It was proposed by Cllr Cannon, seconded by Cllr Harman and

RESOLVED: That the Annual Report be approved as an independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.

MATTERS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES 5.5 AND 5.6

C 25/58 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 Lark in respect of planning enforcement at Dux Farm.

A detailed response was provided by the Cabinet Member for Planning (Cllr M Taylor) and the question and answer, attached as an annex to the Minutes were noted.

In response to a supplementary question, the importance of effective communication with residents, members and officers was recognised.

C 25/59 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

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

MATTERS FOR INFORMATION

C 25/60 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 8.11 pm

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COUNCIL**MEETING OF 13 MAY 2025****QUESTION ASKED PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5**

The following question (25/002) has been asked pursuant to Council Procedure Rule No 5.5 by Councillor James Lark:

‘Residents in Plaxtol have been raising concerns with alleged planning enforcement breaches at Dux Farm for many months, prior to the submission of further planning applications on this site.

Tonbridge and Malling Borough Council has failed to serve a Temporary Stop Notice on the basis Planning Enforcement Officers did not consider it fair and reasonable to do so. Please can the Cabinet Member for Planning liaise with Planning Enforcement Officers to provide information detailing at what further breaches need to happen for this authority to consider issuing a Temporary Stop Notice on this site?

On 10 February 2025 the Director of Planning, Housing and Environmental Health indicated in an e-mail to the Leader of the Council that a meeting was being requested with the developer. Please can the Cabinet Member for Planning also report back to Full Council on the outcome of that meeting?’

Response of the Cabinet Member for Planning (Councillor Mike Taylor):

I am grateful to Cllr Lark for raising this question, ongoing problems in enforcement are something that has concerned me for some time.

The test applied to planning enforcement action is one of expediency, which is laid out in the Council’s Planning Enforcement Plan and Government guidance . In this case, given that national guidance states that in almost all cases, enforcement action should be held in abeyance pending the determination of applications relating to the potential breaches on a site, officers advised Councillors that they would not recommend formal action at this stage. The site remains under regular review and all correspondence from local residents is reviewed as quickly as possible.

The Director of Planning, Housing & Health and the Head of Planning have met with the developer to convey the concerns about the approach being taken with this site and to encourage them to deliver their scheme in a considerate manner.

It is a source of significant frustration that the legislation governing planning enforcement does not make it straightforward for the Council to take more action and that the risks involved in doing so are potentially financially and legally significant.

Recognising the frustration in the community not only neighbouring Dux Farm but near a number of development sites in the borough, I am in close liaison with senior

officers regarding enforcement action and will continue to be so. I am pleased to be able to confirm to Members that both of the vacant Planning Enforcement posts have now been appointed to, with start dates in the near future. Whilst this does not change the legal framework that the Council has to work within, I am confident that this will ensure that we are able to expedite cases where formal action is possible and recommended under our Planning Enforcement Plan. I will continue to work closely with the officer team to ensure that this important area of work remains a priority.

We spend a lot of resource drafting conditions to go with approvals, and then just let developers do what they want. I am not worried about conditions like materials, utilities and parking, but we need to find ways to ensure Public Health conditions like Contamination Remediation and Asbestos removal are carried out correctly.

I will be continuing to talk to Officers to find ways within the legal framework to ensure future Planning Approvals are kept on track with a more robust enforcement action.