



TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive
Damian Roberts

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West Malling (01732) 844522

To: MEMBERS OF THE COUNCIL

NB Background reports to items referred from Cabinet and Committees have been omitted from printed agenda packs.

Dear Sir/Madam

I hereby summon you to attend a meeting of the Tonbridge and Malling Borough Council which will be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 8th July, 2025 at 7.30 pm.

Information on how to observe the meeting will be published on the Council's website.

The following business is proposed to be transacted:-

1. Guidance on the Conduct of Meetings 5 - 8

PART 1 - PUBLIC

2. Apologies for absence 9 - 10
3. Declarations of interest

To declare any interests in respect of recommended items

4. Minutes 11 - 20

To confirm as a correct record the Minutes of the Annual meeting of Council held on 13 May 2025

5. Mayor's Announcements 21 - 22
6. Questions from Members pursuant to Council Procedure Rule No 5.5 23 - 26

- 25/004/MEM - Homes for Social Rent
- 25/005/MEM - Housing Company

7. Questions from the public pursuant to Council Procedure Rule No 5.6 27 - 28
8. Leader's Announcements 29 - 30

Matters for Decision

9. Head of Finance and Section 151 Officer - Recruitment 31 - 40

The report provides an update on the recruitment process undertaken and the recommendations of the Member Panel will be **to follow** and either published as a supplement or tabled at the meeting.

10. Bluebell Hill Temporary Accommodation Project 41 - 48

This report provides a capital plan evaluation for the Bluebell Hill temporary accommodation project and seeks Member approval for the associated budget.

11. Riverside Route Lighting Project, Tonbridge 49 - 50

Cabinet recommendation CB 25/65 (4) of 3 June 2025 in respect of the Riverside Lighting Scheme, Tonbridge and seeking approval to transfer to List A of the Capital Plan.

Background papers considered by Cabinet are available on the [website](#).

12. Gibson East Refurbishment Tender 51 - 52

Cabinet recommendation CB 25/69 (2) of 3 June 2025 in respect of the refurbishment of Gibson Building East.

The reports and annexes were considered by Cabinet in Private in accordance with LGA 1972 Sch 12A Paragraph 3 – Finance or business affairs of any particular person and are not attached to this agenda.

13. Statement of Licensing Policy 2025-2030 Consultation 53 - 94

Recommendation LA 25/11 of Licensing and Appeals Committee of 10 June 2025 in respect of the Statement of Licensing Policy

14. Establishment Report 95 - 96

Recommendation GP 25/24 of General Purposes Committee of 11 June 2025 in respect of a number of establishment changes.

The reports and annexes were considered by the Committee in Private in accordance with LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual and are attached to this agenda.

15. Appointments to Outside Bodies 97 - 100

Subsequent to the statutory Annual meeting of Council a number of changes to the Outside Bodies Schedule are recommended.

16. Changes to the Constitution 101 - 112

The report recommends a number of changes to the Constitution in respect of the Overview and Scrutiny Procedure Rules (Part 4); the Rules for Decision Making during a period of Serious and Unexpected Disruption (Part 7); the Rules for Public Speaking (Annex 1 in Part 4); Committee Procedure Rule 15.24. Members are also asked to note the structural changes agreed by the General Purposes Committee.

Due to its size the Constitution with tracked changes (Annex 1) is published as a supplement.

Matters for Information

17. Changes to the Cabinet Portfolios 113 - 116

Decision Notice D250045MEM taken by the Leader on 3 June 2025 is attached for information.

18. Minutes of Cabinet and Committees 117 - 118

To receive and note the Minutes of meetings of Cabinet and Committees as set out in the Minute Book (attached as a supplement).

19. Sealing of Documents

To authorise the Common Seal of the Council to be affixed to any Contract, Minute, Notice or other document requiring the same.

20. Exclusion of Press and Public 119 - 120

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

Matters for Decision

21. Budget Approval - Borough Council costs - Planning Appeals 121 - 126

(Reasons: Part 2 - Private: LGA 1972 - Sch 12A Paragraph 3 - Financial or business affairs of any particular person)

The report seeks agreement for a Supplementary Budget Estimate to pay for planning appeal costs.

22. Planning Appeal - Case Management Review 127 - 176

(Reasons: Part 2 - Private: LGA 1972 - Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

This report presents to Council the legal advice prepared by Counsel.

23. Dispensation for Councillor non-attendance 177 - 180

(Reasons: Part 2 - Private: LGA 1972 - Sch 12A Paragraph 1 - Information relating to an individual)

To approve the continued absence of a Member from meetings on the grounds of ill health.

DAMIAN ROBERTS
Chief Executive
Monday, 30 June 2025

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxiAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact committee.services@tmhc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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Apologies for absence

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TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 13th May, 2025

At the Annual 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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Mayor's Announcements

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COUNCIL

8 JULY 2025

QUESTION ASKED PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

The following question has been asked pursuant to Council Procedure Rule No 5.5 by Councillor M Hood:

Can the Cabinet Member responsible for housing tell me how many homes for social housing for rent have been constructed in this borough in each of the last ten years?

Response of the Cabinet Member for Housing, Environment and Economy (Cllr R Betts):

In line with current policy CP17, affordable housing on a new development would aim to have a tenure split of 70/30 in line with, with 70% affordable rented tenures and 30% Intermediate i.e. Affordable Home Ownership. Affordable rented can include both social rent and affordable rent, the definitions of which are as follows:

Affordable or Intermediate Rent

Homes let at least 20% below local market rents (affordable rental properties) or let at rates set between market rents and social rents (intermediate rental properties). The market rent or market value refers to the cost of housing either for rent or for sale in the private sector. Calculating market costs takes into account the property size, type and location.

Social Rent

Set through the National Rent Regime in England at around 50% of market rents, Social Rent homes are for people on low incomes.

Delivery over the last 10 years – financial years 2014/15 to 2024/25:

	Affordable rent	Social rent	Intermediate (e.g. shared ownership, discount sale)	Total AH
2014 15	69	0	36	105
2015 16	43	0	67	110
2016 17	60	5	79	144
2017 18	76	1	109*	186

	Affordable rent	Social rent	Intermediate (e.g. shared ownership, discount sale)	Total AH
2018 19	159	2	69**	230
2019 20	44	0	42	86
2020 21	41	2	14	57
2021 22	49	35	36	120
2022 23	2	18	10	30
2023 24	88	0	45	133
2024 25	147	0	111	258

*includes 18 Discounted Open Market Sale units

**includes 8 Discounted Open Market Sale units

COUNCIL**8 July 2025****QUESTION ASKED PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5**

The following question has been asked pursuant to Council Procedure Rule No 5.5 by Councillor L Athwal:

Given our housing targets, which include a 10% punitive uplift as we have not been able to deliver to our targets to date, and that we have not been able to deliver any new social housing across the Borough, is this the right time for us to stop relying on private housing companies and instead, set up our own arms-length building company who could build for social and economic benefit, without the need to make profit for shareholders?

Response of the Cabinet Member for Housing, Environment and Economy (Cllr R Betts:

Affordable rented tenures, which is what the Council is required to deliver, includes both social rent and affordable rent and units have been delivered under this definition, albeit not directly by the Council but through Registered Providers. Establishing a Local Housing Company (LHC) is included in the Housing Strategy's Years 4 and 5 Action Plan supporting the strategic objective to 'consider options for the Council to influence and take a pro-active role in housing delivery, including through a Local Housing Company'. The initial primary purpose of the LHC could be to facilitate the delivery of resettlement homes through the Local Authority Housing Fund. In the longer term, officers will explore options and present to Members the opportunities for the LHC to support wider corporate objectives and functions, ensuring that a robust business case exists that considers the need to have some minimum levels of operation to make a company viable.

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Agenda Item 7

Questions from the public pursuant to Council Procedure Rule No 5.6

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Leader's Announcements

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Council

08 July 2025

Part 1 - Public

Matters for Decision



Cabinet Member N/A

Responsible Officer Damian Roberts, Chief Executive

Report Author Allison Parris, Principal Democratic Services Officer;
Mathew Brooks, Head of HR and Development

Head of Finance and Section 151 Officer - Recruitment

1 Summary and Purpose of Report

- 1.1 The report provides an update on the recruitment process undertaken and the recommendations of the Member Panel will be presented for consideration at the meeting on 8 July 2025.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 As detailed in the report to Council on 13 May 2025.

3 Recommendations

- 3.1 To note the recruitment process undertaken; and
- 3.2 To consider the recommendations of the Member Panel, either presented verbally at the meeting or set out in a supplementary report and approve the recruitment of a Head of Finance and Section 151 Officer.

4 Introduction and Background

- 4.1 At the meeting of Council on 13 May 2025, Members agreed to recruit into a newly created post of Head of Finance and Section 151 Officer following the retirement of the long-serving Director of Finance.
- 4.2 Members also agreed the formation of a Member Panel, comprising the Leader, Deputy Leader and Leader of the Opposition, to oversee and be involved in the recruitment process.

- 4.3 Due to the specialist skillset and seniority of the post, it was fundamental that the Council attracted the best candidates available to apply. It was equally important to ensure that a rigorous selection and testing process of the candidates' skills and abilities was undertaken before the Members Panel interviews.
- 4.4 The assessment process included multiple stages before the final Member Panel interviews, which are arranged for Friday 4 July 2025.
- 4.5 The outcome of these interviews will be reported to the Council on 8 July 2025, either verbally or in writing subject to the time available.

5 Proposal

- 5.1 To receive the recommendations of the Member Panel and agree an appointment to the position of Head of Finance and Section 151 Officer.

6 Other Options

- 6.1 There are no other options to present.

7 Financial and Value for Money Considerations

- 7.1 As detailed in the report to Council on 13 May 2025.

8 Risk Assessment

- 8.1 As detailed in the report to Council on 13 May 2025.

9 Legal Implications

- 9.1 As detailed in the report to Council on 13 May 2025.

10 Consultation and Communications

- 10.1 As detailed in the report to Council on 13 May 2025.

11 Implementation

- 11.1 The Director of Finance and Transformation is retiring on 31 August 2025 with the last working day being 25 July 2025.
- 11.2 The new post of Head of Finance and Section 151 Officer will be created with effect from 28 July 2025.

12 Cross Cutting Issues

- 12.1 Climate Change and Biodiversity
 - 12.1.1 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

12.3 Other If Relevant

- Human Resources
- Procurement
- Business Continuity / Resilience

Background Papers	None
Annex 1	Report to Council of 13 May 2025

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Council**13 May 2025****Part 1 - Public****Matters for Decision**

Cabinet Member	Not applicable
Responsible Officer	Damian Roberts, Chief Executive
Report Author	Mathew Brooks, Head of HR & Development

Recruitment to the new Head of Finance and Section 151 Officer position.**1 Summary and Purpose of Report**

- 1.1 Subject to a decision by the General Purposes Committee on 12 May 2025, to consider arrangements for the permanent appointment of the newly created post, Head of Finance and Section 151 Officer.
- 1.2 To agree to the formation and appointment of a Member Panel tasked with making a recommendation to Full Council as to the appointment of a permanent Head of Finance and Section 151 Officer.
- 1.3 To agree to the appointment of a specialist recruitment search and selection partner, following an appropriate procurement process, to manage the process of the of the search and selection of the Head of Finance and Section 151 Officer post.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Section 151 of the Local Government Act 1972 mandates that local authorities make arrangements for the proper administration of their financial affairs and appoint a Section 151 Officer to be responsible for those arrangements.
- 2.3 This role ensures that the council's financial functions are effectively managed and that the authority's resources are properly administered, acting as a trustee for taxpayers' money.
- 2.4 In accordance with the Local Government Finance Act 1988 the Chief Finance Officer must be a member of one of the following bodies in order to qualify as a responsible officer:

- a) the Institute of Chartered Accountants in England and Wales;
- b) the Institute of Chartered Accountants of Scotland;
- c) the Chartered Association of Certified Accountants;
- d) the Chartered Institute of Public Finance and Accountancy;
- e) the Institute of Chartered Accountants in Ireland;
- f) the Chartered Institute of Management Accountants; and
- g) any other body of accountants established in the United Kingdom and for the time being approved by the Secretary of State for the purposes of this section.

3 Recommendations

- 3.1 To agree to the formation of a Member Panel to make the permanent appointment to the post of Head of Finance and Section 151 Officer.
- 3.2 To agree to the Council appointing a specialist recruitment search and selection partner to lead on the recruitment and selection of the Head of Finance and Section 151 Officer post.
- 3.3 That a one-off budget of £25,000 be approved for the costs of recruitment, to be funded through a supplementary estimate from the General Revenue Reserve.

4 Introduction and Background

- 4.1 As Members will be aware the Council's Director of Finance and Transformation, Sharon Shelton, has formally handed in her notice and will be retiring from the Council on 31 August 2025, with her last working day being 25 July 2025.
- 4.2 Sharon is retiring after more than 42 years' service with the Council, over 20 years of which have been served with distinction as the Council's Director of Finance.
- 4.3 A proposal to delete the Director of Finance and Transformation post with effect 1 September 2025 and create a new Head of Finance and Section 151 Officer post was presented at a meeting of the General Purposes Committee on 12 May 2025.
- 4.4 Whilst the proposed new post is not a Director post, it is a Statutory Chief Officer post due to the requirement for the postholder to discharge the statutory function of being the Council's Section 151 Officer.
- 4.5 The Council's Constitution contains Officer Employment Procedure Rules in relation to the Appointment of Chief Officers other than the Chief Executive that provide:

- *The appointment of Chief Officers* other than the Chief Executive will be made by a Panel of Members appointed by the Council for that purpose. This panel will include at least one member of the Executive.*
- *An offer of employment shall only be made where no well-founded objection from any member of the Executive has been received*

*Members are asked to note that in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001, matters relating to the appointment of a Chief Finance Officer (Section 151 Officer) are reserved to full Council. Given this statutory requirement, the Panel will agree and make a recommendation to the next meeting of full Council following the recruitment process.

- 4.6 Whilst the outcome of the meeting of the General Purposes Committee on 12 May 2025 is not known at the time of writing, this report is proposing that Full Council agrees to the formation of a Member Panel to make a recommendation as to the Council's new Head of Finance and Section 151 Officer.
- 4.7 In addition, this report is seeking agreement to appoint a specialist executive search partner to lead on the search and selection for suitably qualified applicants to become the Council's new Head of Finance and Section 151 Officer.

5 Proposal

- 5.1 As stated above the Council's Constitution contains Officer Employment Procedure Rules which require Chief Officer appointments to be made by a panel of Members.
- 5.2 A supplementary report will follow with proposals as to the panel's composition.
- 5.3 Due to the specialist skillset and seniority of the post, it is fundamental that the Council attracts the best candidates available to apply. It is equally important to ensure that a rigorous selection and testing process of the candidates' skills and abilities is undertaken before the final Member panel interview. It is anticipated that the assessment process will include multiple stages before the final stage Member interview panel.
- 5.4 Working with a specialist recruitment search and selection partner who specialises in senior local government appointments will be vital. This will ensure that the Council attracts the right calibre of candidate and that they have been fully assessed to ensure that they have the requisite skillset to be to undertake the vital role of Head of Finance and Section 151 Officer.
- 5.5 The Council will undertake a procurement process by approaching different providers in the executive search market and appoint accordingly taking into consideration the quality of the submissions and associated costs.

6 Financial and Value for Money Considerations

- 6.1 The estimated cost of appointing a specialist recruitment search and selection partner is £12,000 - £18,000. The associated media advertising costs is approximately £5-7k.
- 6.2 The costs of recruitment are to be funded through a proposed supplementary estimate from the General Revenue Reserve.

7 Risk Assessment

- 7.1 The recommendations in this report have been made in response to operational need and therefore mitigate against risk.

8 Legal Implications

- 8.1 In accordance with the Local Authorities (Standing Orders) (England) Regulations 2001, matters relating to the appointment of a Chief Finance Officer (Section 151 Officer) are reserved to full Council.
- 8.2 The proposals outlined in this report are compliant with the Council's Pay Policy Statement.
- 8.3 This report ensures that the Council has appointed a person to the statutory Section 151 Officer post.

9 Consultation and Communications

- 9.1 The changes set out in this report do not require formal employee consultation as set out in the Council's Reorganisation, Redundancy and Redeployment procedure.
- 9.2 All relevant staff have been kept fully informed about the proposed changes outlines in this report.

10 Implementation

- 10.1 The recruitment process will take place as soon as reasonably practicable following the meeting of Full Council.
- 10.2 The Director of Finance and Transformation is retiring on 31 August 2025, with her last working day being 25 July 2025.
- 10.3 The new post of Head of Finance and Section 151 Officer will be created with effect from 28 July 2025.

11 Cross Cutting Issues

- 11.1 Climate Change and Biodiversity

11.1.1 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

11.2 Equalities and Diversity

11.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

11.3 Other If Relevant

- Human Resources (Pay Policy Statement)
- Procurement
- Business Continuity / Resilience

Background Papers	None
Annexes	None

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Council

08 July 2025

Part 1 - Public

Matters for Decision



Cabinet Member Councillor Robin Betts, Cabinet Member for Housing, Environment and Economy

Responsible Officer Eleanor Hoyle, Director of Planning, Housing and Environmental Health

Report Author Linda Hibbs, Head of Housing and Health

Bluebell Hill Temporary Accommodation Project

1 **Summary and Purpose of Report**

- 1.1 This report provides a capital plan evaluation for the Bluebell Hill temporary accommodation project and seeks Member approval for the associated budget.

2 **Corporate Strategy Priority Area**

- 2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.
- 2.2 Delivering a temporary accommodation scheme on a previously utilised piece of land allows the Council to mitigate the cost of providing temporary accommodation, have management control of temporary accommodation within the borough and does not require the development of a greenfield site.

3 **Recommendations**

Members are asked to:

- 3.1 APPROVE the capital plan evaluation for the temporary accommodation project at Bluebell Hill.

4 **Introduction and Background**

- 4.1 One of the stated aims in the Council's Housing Strategy 2022-2027 is to 'minimise the use of nightly paid accommodation to manage temporary accommodation costs and seek alternative provision'. The Strategy specifically mentions that the Council will 'explore alternatives to nightly paid temporary

accommodation and ways to help households secure suitable alternative accommodation, for example purchasing property or developing provision, and leasing schemes' and will 'use Council and Registered Provider options for temporary accommodation where possible.'

- 4.2 As per the decision made by Cabinet on the 04 April 2023, Blue Bell Hill commuter car park was closed and the site secured to prevent any pedestrian and vehicular access; and future opportunities for alternative use of the site has been explored with Kent County Council.
- 4.3 To explore potential delivery of the Bluebell Hill car park site for temporary accommodation (TA) a feasibility assessment report was undertaken by Bloomfields.
- 4.4 A pre-planning enquiry was made in September 2024 as part of the feasibility work. The Planning Officer advised the proposal could be considered acceptable on balance provided that a range of points and policy considerations are adequately met; key points are impact on the National Landscape and addressing site restraints such as noise and air quality. A number of surveys around key site issues have been completed to feed into the project.
- 4.5 On 03 June 2025 Cabinet agreed that the Bluebell Hill car park site be allocated for temporary accommodation delivery. The procurement approach of seeking a two-stage design and build tender was also approved with associated timetable.

5 Proposal

- 5.1 The proposed approach is to procure a contractor to deliver a modular housing scheme at Bluebell Hill on the basis of the proposed approach in the Bloomfields feasibility study.
- 5.2 Members of Housing & Planning Scrutiny Select Committee and Cabinet have seen a draft capital evaluation report as part of the previous reporting on this project however attached at **Annex A** is the final version. Members should note the partnership funding for this project has reduced from £5,096,663 to £4,670,663 as the Local Authority Housing Fund (LAHF) and revenue reserve for capital schemes funding has been updated to allow for commitment to the resettlement programme. Members will recall that the provision of resettlement properties to enable sustainable settled housing to those on the Afghan Citizens Resettlement Scheme (ACRS) so that they can build new lives in the UK, find employment and integrate into communities is integral to the LAHF round 3 programme. Local authorities have to commit to this provision in order to access funding for temporary accommodation provision.
- 5.3 Within the Capital Plan Evaluation and since being reported into Housing & Planning Scrutiny Select Committee and Cabinet the revenue impact section has

also been updated to allow for estimated staffing costs and to demonstrate the potential revenue saving of £157,500.

6 Other Options

- 6.1 No other Council owned sites have been identified for potential use for Temporary Accommodation. To purchase a site would likely render any business case undeliverable.

7 Financial and Value for Money Considerations

- 7.1 The funding for this project is identified within the Capital Plan Evaluation.

8 Risk Assessment

- 8.1 There are a number of key risks to this project as identified in previous reports including LAHF timescales, delivery skills and capacity, planning approval, KCC covenant, mitigation on site of environmental impacts and funding. Where possible mitigation measures are in place. A full project risk register is being developed to meet the Council's recently adopted project management standards.

9 Legal Implications

- 9.1 It is proposed that a Design and Build Contract is utilised to manage delivery of this project. This will be included in the procurement pack for bidders, which will be prepared with advice from the Procurement Partnership and Legal.
- 9.2 The Head of Property and Administrative Services is now engaging with the Property team at KCC regarding the restrictive covenant in place on the site.

10 Consultation and Communications

- 10.1 A wider public communication strategy is being developed and will be implemented from June 2025.

11 Implementation

- 11.1 An officer project group has been established for this project, chaired by the Head of Housing & Health and including Housing and Property officers. The project is reviewed via the Housing Portfolio Officer Group, which has oversight of the programme of activity to develop the Council's Temporary Accommodation Portfolio and is also reviewed via the Corporate Property Delivery Group, which oversees all large capital projects relating to Property. This approach has ensured that colleagues in relevant operational and corporate teams are inputting at key project stages and robustly reviewing the project approach.
- 11.2 Formal reporting into Members will take place as the project progresses. In addition to these opportunities for the project to be scrutinised, the responsible Cabinet Members will be briefed on a regular basis.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 Adaptation and resilience have been considered.

12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report. Ecology and Biodiversity reports are being completed as part of the current package of survey work.

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

12.3 Other If Relevant

- Procurement
- Business Continuity / Resilience

12.3.1 Procurement options have been reviewed with the Procurement partnership.

12.3.2 The ongoing revenue cost to the Council of providing Temporary Accommodation is a significant risk to the financial stability of the Council.

Background Papers	None
Annexes	Annex 1 – Capital Plan Provision

CAPITAL PLAN LIST C – EVALUATIONS

Project Housing, Planning & Environmental Health – Bluebell Hill Project				
	1	Specification:		
		(i)	Purpose of the scheme	To deliver modular housing on Bluebell Hill former commuter car park to provide temporary accommodation.
		(ii)	Relevance to National / Council's Objectives	(a) National: Improve the availability of temporary housing accommodation (b) Council: Improving housing options for local people whilst protecting our outdoor areas of importance.
		(iii)	Targets for judging success	(a) Completion of on-site modular housing (b) Mitigate Council's cost of providing temporary accommodation (c) Project delivered in accordance with timeline and budget
	2	Description of Project / Design Issues: Blue Bell Hill commuter car park was closed and the site secured to prevent any pedestrian and vehicular access. The aim of this project is to utilise the site for delivery of modular housing to provide temporary accommodation. The total estimated project cost cannot be confirmed until the procurement exercise and detailed design are carried out and tenders are received. The budget for the project is £4,670,663. This project would fall under the umbrella capital plan scheme "TA and resettlement".		

CAPITAL PLAN LIST C – EVALUATIONS

3	<p>Milestones / Risks:</p> <p><u>Milestones:</u> Completion of site surveys.</p> <p>Procurement of a design and build contractor.</p> <p><u>Risks/ Mitigation:</u></p> <p>LAHF timescales for funding need to be met to secure funding - Working with the procurement team to ensure an appropriate approach to procurement and contracting is utilised.</p> <p>KCC Covenant Cost - Early engagement with KCC Property team. Mitigation of potential costs through nature of scheme and planning permission.</p> <p>Ability to mitigate environmental impacts of site location - Surveys to be procured either as a standalone or part of contract to provide mitigation approach – cost risk associated.</p> <p>Planning approval - Enter into a PPA with the Council as Planning Authority to manage the process</p> <p>Local opposition to development of the site - Work with Council's Comms team to promote any scheme proposals and answer FAQs. Liaise with Parish Council</p> <p>Ability to mitigate site issues such as utilities or contamination - Surveys to be procured either as a standalone or part of contract to provide mitigation approach – cost risk associated.</p> <p>Unable to fund the scheme from external grant, s106 and Council capital package - Ensure all s106 contribution timescales/likelihood are full understood. Seek other funding sources if Government funding schemes are announced. Business case to review income levels and potential to service any debt.</p>
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CAPITAL PLAN LIST C – EVALUATIONS

Page 47	4	Consultation: Consultation is taking place with the relevant local Members. Adjacent landowners have been informed of surveys taking place on site. Pre-planning advice has been sought from the planning team. Public Communication Strategy will be implemented.				
	5	Capital Cost: The total estimated project cost cannot be confirmed until the procurement exercise and detailed design are carried out and tenders are received.				
	6	Profiling of Expenditure: Note: This will be updated once the outcome of the tender is known.				
		2025/26 (£'000)	2026/27 (£'000)	2027/28 (£'000)	2028/29 (£'000)	2029/30 (£'000)
	7	Capital Renewals Impact: The estimated life expectancy of a modular home is 40 - 50 years.				
	8	Revenue Impact: There will be ongoing revenue costs for maintenance and repair of the new properties. Estimated annual costs based on 15-unit scheme: Maintenance and repairs: £50,000 Council Tax voids: £4,000 Utilities (Broadband & Electrics): £10,000 Staff costs: £30,000 Opportunity cost associated with not receiving interest payments on £2.39m (Earmarked reserve- TA and Revenue reserves for capital scheme) would be £95,600 per annum based on a 4% return. The average cost to the Council across all property sizes for a nightly paid property is £10,500 per annum. Based on a 15 unit scheme this presents a revenue saving of £157,500 against spend on temporary accommodation.				

CAPITAL PLAN LIST C – EVALUATIONS

9	Partnership Funding: Some capital funding is available from LAHF (£2,225,663), Earmarked TA Reserve (£1,450,000), Revenue reserve for Capital Schemes (£745,000) S106 funding (£250,000) and potential further s106 funding (£850,000).		
10	Project Monitoring / Post Implementation Review: Director responsible: Eleanor Hoyle Progress reported to: Housing and Planning Scrutiny Select Committee / Cabinet Post Implementation review to be carried out twelve months after completion.		
11	Screening for equality impacts:		
	Question	Answer	Explanation of impacts
	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	Improve availability and standard of temporary housing accommodation for vulnerable households in the borough.
	c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?	n/a	
12	Recommendation: Amend the 'Acquisition of Temporary Accommodation and Resettlement scheme, currently on Capital Plan List A , to increase the budget to £4,670,663 to deliver the development of temporary accommodation on Bluebell Hill former commuter carpark. If additional monies become available, these will be ringfenced for Bluebell Hill. This will include any further s106 funds.		

RIVERSIDE ROUTE LIGHTING PROJECT, TONBRIDGE

Item CB 25/65 referred from Cabinet of 3 June 2025

(Decision Notice D250054CAB)

Consideration was given to the recommendations of the Finance, Regeneration and Property Scrutiny Select Committee in respect of a List C Capital Plan Evaluation for riverside lighting between Town Lock and Vale Road in Tonbridge. The report sought approval to move the project forward for construction later in the calendar year and requested that Cabinet recommend to Council that the scheme be transferred to List A of the Capital Plan.

Cabinet had due regard to the views of the Scrutiny Select Committee, the feasibility study report (Annex 2) and the Capital Plan Evaluation (Annex 1) and welcomed the provision of high-quality lighting for pedestrians, the opportunity to create a safe and secure environment and reduce crime. The lack of lighting, combined with a narrow path lined with trees and shrubbery and unprotected river edge, made this an uninviting section of the route.

Discussions had taken place with Kent County Council Public Rights of Way and it was confirmed that lighting might be installed on the route using powers under s161 of the Public Health Act 1875.

On the grounds of enhancing the area and improving safety of pedestrians, Cllr Mehmet proposed, seconded by Cllr Taylor and Cabinet

RESOLVED: That

- (1) Phase 1 of the project be taken forward through the design stages up to and including the preparation of tender documents;
- (2) the use of the Borough Council's powers under s161 of the Public Health Act 1875 for the delivery of the project, with agreement from Kent County Councils Public Rights of Way Team, be authorised; and
- (3) arrangement be made for Members to have physical sight of the likely intended lighting columns by means of a demonstration in a low light at a future meeting or a site visit.

***RECOMMENDED:** That

- (4) the scheme be transferred to List A of the Capital Plan.

***Recommended to Council**

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GIBSON EAST REFURBISHMENT TENDER

Item CB 25/69 referred from Cabinet of 3 June 2025

(Decision Notice D250056CAB)

(Reasons: Part 2 – Private – LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

The report of the Director of Central Services and Cabinet Member for Housing, Environment and Economy provided details of the tenders received for the refurbishment of Gibson Building East and sought approval to award the contract.

It was also proposed to transfer some funding from the Decarbonising the Council's Estate Capital Plan Scheme to the Gibson East Refurbishment Scheme to help support the installation of renewable and de-carbonising technologies.

Cabinet had due regard to the financial and value for money considerations, the outcome of the tender evaluations and the progress being made on identifying further savings to close a shortfall in funding. Particular reference was made to the Business Rates Pool (Shared Growth Fund) Programme which offered an opportunity to transfer funding as detailed in 6.1 to 6.8 of the report.

On the grounds that this project formed part of the Borough Council's office accommodation consolidation project and supported climate change by increasing energy efficiency, Cllr Betts proposed, Cllr Boughton seconded and Cabinet

RESOLVED: That

- (1) delegated authority be granted to the Director of Central Services, with agreement from the Cabinet Member for Housing, Environment and Economy, to award the contract to the preferred bidder (detailed in the report) for the refurbishment of Gibson East upon the occurrence of the earliest of the following conditions being met:
 - (i) the cost falls within the project budget of £3.0m; or
 - (ii) Full Council approves the transfer of £125,000 from the Decarbonising the Council's Estate Capital Plan Scheme to the Gibson East Refurbishment Scheme.

***RECOMMENDED:** That

- (2) the transfer of £125,000 from the Decarbonising the Council's Estate Capital Plan Scheme to the Gibson East Refurbishment Scheme be recommended to Full Council.

***Recommended to Council**

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STATEMENT OF LICENSING POLICY 2025-2030 CONSULTATION

Item LA 25/11 referred from Licensing and Appeals Committee of 10 June 2025

Further to Minute LA 25/4, the report of the Director of Central Services indicated that the Statement of Licensing Policy 2025 – 2030 had been issued for public consultation from 1 April to 25 May 2025. As a result of which 1 response had been received asking for details of the 'Ask Angela' Scheme to be included.

A copy of the proposed Statement of Licensing Policy was attached at Annex 1 to the report. A copy of the consultation response was shown at Annex 2.

Cllr Williams proposed that the Licensing Policy be adopted as set out in Annex 1 and to include the Ask for Angela Scheme. This was seconded by Cllr Coffin and supported by the Committee.

***RECOMMENDED:** That the draft Statement of Licensing Policy set out at Annex 1 to the report be adopted by the Council.

***Recommended to Council**

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Licensing and Appeals Committee

10 June 2025

Part 1 - Public

Recommendation to Council



Cabinet Member	Cllr Des Keers, Community Services
Responsible Officer	Adrian Stanfield, Director of Central Services and Deputy Chief Executive
Report Author	Anthony Garnett, Head of Service for Licensing, Community Services and Customer Services

STATEMENT OF LICENSING POLICY 2025 - 2030 CONSULTATION

1 Summary and Purpose of Report

- 1.1 Tonbridge and Malling Borough Council is the Licensing Authority under the Licensing Act 2003. The Licensing Authority is responsible for granting premises licences, club premises certificates, temporary events notices, and personal licences within the Authority's area in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late-night refreshment. This report gives details of the results of the consultation for the Statement of Licensing Policy 2025 – 2030.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Licensing Services ensure that all licensable activities taking place within the borough are granted the appropriate permissions under the relevant legislation.

3 Recommendations

- 3.1 It is RECOMMENDED that the member draft Statement of consultation, attached as **Annex 1**, be approved and recommended to Full Council for adoption.

4 Introduction and Background

- 4.1 Tonbridge and Malling Borough Council is the Licensing Authority under the Licensing Act 2003. The Licensing Authority is responsible for granting premises licences, club premises certificates, temporary events notices, and personal licences within the Authority's area in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late-night refreshment.

- 4.2 Section 5 of the Licensing Act 2003 requires the Licensing Authority to prepare and publish a Statement of Licensing Policy every five years from January 2014. This is the Licensing Authority's forth statement of licensing policy. It will remain in force for a period of five years from 2025 - 2030. During the five-year period, the policy must be kept under review and the Licensing Authority may make such revisions to it as it considers appropriate.
- 4.3 Tonbridge and Malling Borough Council currently has 399 premises made up of 373 premises licenses and 26 club premises certificates.
- 4.4 This Policy Statement seeks to formulate reasonable controls and appropriate guidance to encourage efforts that are being made by the Council and its partners working together with the licensed trade to help deal with issues that arise from licensable activities.
- 4.5 On the 25 March 2025, the Licensing and Appeals Committee decided to go out on consultation for the Statement of Licensing Policy. The consultation period ran from the 1 April 2025 until 25 May 2025.
- 4.6 A copy of the Statement of Licensing Policy is shown at **Annex 1**
- 4.7 As a result of the Consultation there was one response received from Licensing Services to include details about "Ask Angela" scheme.
- 4.8 A copy of the consultation response is show at **Annex 2**

5 Proposal

- 5.1 The proposed Statement of Licensing Policy is shown at **Annex 1** of this report is approved and recommended to Full Council for adoption.

6 Financial and Value for Money Considerations

- 6.1 The Licensing Income budget for 2024 – 2025 is £368,150

7 Risk Assessment

- 7.1 Should parts of the industry believe the authority's 'statement of licensing policy' is not sound it would be open to them to undertake judicial review proceedings.

8 Legal Implications

- 8.1 The Statement of Licensing Policy has been prepared in accordance with Section 5 of the Licensing Act 2003 and having regard to the Guidance issued under Section 182 of the Act (as revised).

9 Consultation and Communications

9.1 The following process steps enable development of this policy:

Draft consultation agreed at the Licensing Committee	25 March 2025
Public Consultation	01 April 2025 until 25 May 2025
Licensing Committee agrees the policy and recommends to Full Council for adoption	10 June 2025
Full Council adopt policy	8 July 2025
New Policy comes into force	14 July 2025

10 Implementation

10.1 Dates for consultation is set out at 9.1.

11 Cross Cutting Issues

11.1 Following corporate guidelines for all of the charges included in this report has ensured a standard approach across different services

12 Climate Change and Biodiversity

12.1 A moderate source of emissions is likely to be maintained at current levels or increased.

12.2 The Taxi and Private Hire vehicle fleet is continually being renewed as older vehicles cannot be licenced after the age of ten years.

13 Equalities and Diversity

13.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

14 Other If Relevant

14.1 None

Background Papers	Licensing Act 2003 Home Office web site Guidance issued under section 182 of the Licensing Act 2003 (revised) Current Statement of Licensing Policy
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Annex 1	Proposed Statement of Licensing Policy for 2025 - 2030
Annex 2	Feedback from consultation

Statement of Licensing Policy

2025 - 2030

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INTRODUCTION

This is the Statement of Licensing Policy as determined by the Council in respect of its licensing functions, with regard to the Licensing Act 2003. This document sets out the position and view of the Licensing Authority in respect of matters in connection with the discharge of its licensing function.

This Statement of Licensing Policy commences on the 14 July 2025 and continues for a five-year period. During the five-year period the Policy will be kept under review and the Authority will make such revisions to it at such times as it considers appropriate. Further licensing statements will be published every five years thereafter or earlier as necessary.

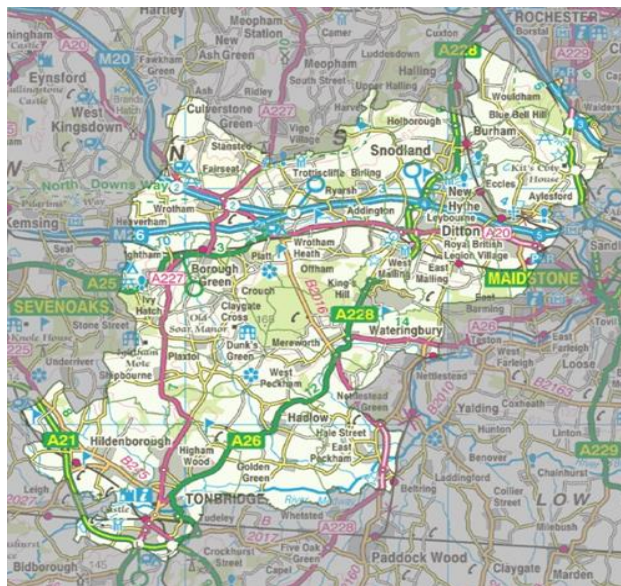
All references to the 'Guidance' refer to the latest version of the Home Office Guidance to Licensing Authorities issued under section 182 of the Licensing Act 2003.

The 2003 Act requires the Licensing Authority to carry out its various licensing functions so as to promote the following four licensing objectives:

- **the prevention of crime and disorder.**
- **promotion of public safety.**
- **the prevention of public nuisance.**
- **the protection of children from harm.**

The aims of this Statement of Licensing Policy, in line with the four licensing objectives, are to:

- minimise nuisance and disturbance to the public through the licensing process.
- help build a fair and prosperous society that properly balances the rights of people and their communities;
- integrate its aims and objectives with other initiatives, policies plus strategies that will:
 - reduce crime and disorder.
 - encourage tourism.
 - encourage an early evening and night time economy which is viable, sustainable and socially responsible.
 - reduce alcohol misuse.



- encourage employment.
- encourage the self-sufficiency of local communities.
- reduce the burden of unnecessary regulation on business.
- encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

The Licensing Authority will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters, whilst respecting the differing needs of individual communities throughout the local authority area.

This policy covers a wide variety of premises and activities carried on within them. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate. However, there will be zero tolerance of dealing in or using controlled drugs (as defined by the Misuse of Drugs Act 1971) on licensed premises.

1. Consultation

- 1.1 The Statement of Licensing Policy will be kept under review and where any significant amendments are considered necessary these will only be made after consultations have taken place in accordance with Section 5 of the Licensing Act 2003, and the subsequent amendments made to the Act by the Police & Social Responsibility Act 2011 section 122. Amendments required due to a change in legislation that do not impact on the aims and objectives of the Policy, or the promotion of the Licencing Objectives will be made with the approval of the Head of Service for Licensing in order for the policy to remain legislatively current.
- 1.2 Proper weight, in accordance with the Guidance, has been given to the views of all those consulted. Those consulted in the preparation of this Policy included:
 - the Chief Officer of Police for Kent
 - the Kent Fire and Rescue Service
 - one or more persons who appear to the authority to represent the interests of persons carrying on licensed businesses in the council area
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act
 - any other bodies the Local Authority deemed appropriate
 - members of the public who requested to be consulted and have responded previously.

1.3 In accordance with the guidance the following persons have also been consulted on this revised statement:

- all Council members
- all parish councils
- all TMBC County Councillors
- all bordering local authorities
- Kent Police Licensing Team
- all responsible authorities under the Licensing Act 2003
- British Beer & Pub Association

1.4 **The Statement of Licensing Policy**

1.4.1 The following process steps enabled development of this policy

Draft consultation agreed at the Licensing Committee	25 March 2025
Public Consultation	01 April 2025 until 25 May 2025
Licensing Committee agrees the policy and recommends to Full Council for adoption	10 June 2025
Full Council adopt policy	08 July 2025
New Policy comes into force	14 July 2025

2. Background

- 2.1 When administering licensing matters the Licensing Authority will promote the four Licensing Objectives set out in Part 2, section 4 of the Licensing Act 2003.

The four licensing objectives are:

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Promotion of Public Safety
- Protection of Children from Harm

The Licensing Authority gives equal weight to each of these objectives.

- 2.2 The 2003 Act requires Licensing Authorities to publish a 'Statement of Licensing Policy' (the Policy) that sets out the approach the Licensing Authority will take when administering applications and other processes under the Licensing Act 2003 to ensure the promotion of the licensing objectives.
- 2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the 2003 Act having regard to the amended guidance issued under section 182 of the Act the Police Reform and Social Responsibility Act 2012, the Live Music Act 2012 and the Deregulation Act 2015.
- 2.4 Tonbridge & Malling Borough Council is the Licensing Authority pursuant to the Licensing Act 2003 (the Act) and is responsible for considering a range of licence applications and variations to licences for a number of activities detailed below. The purpose of licensing is to regulate the licensable activities taking place on licensed premises, at qualifying clubs and under temporary event notices, (TENS). The activities as defined by the Act are:
- Sale by retail of alcohol
 - supply of alcohol (club)
 - The provision of regulated entertainment which includes:
 - the performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - boxing or wrestling entertainment
 - a performance of live music
 - playing of recorded music
 - performance of dance
 - Provision of late-night refreshment

2.5 It should be noted that following the introduction of the Live Music Act 2012, a licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

You also don't need a licence:

- to put on unamplified live music at any place between the same hours; or
- to put on amplified live music at a workplace between the same hours and provided the audience is no more than 500 people.

2.6 The types of premises likely to be included within the licensing regime include:

- Pubs and night clubs
- Off licences (includes supermarkets/shops selling alcohol)
- Restaurants serving alcohol
- Restaurants/Takeaways serving hot food and drink after 11pm
- Private members clubs/social clubs
- Hotels/guest houses selling alcohol
- Cinemas/theatres
- Community premises and village halls
- Providers of temporary events involving licensable activities

and any other premises at which licensable activities are to be provided.

2.7 The Policy will apply across a range of applications which include the following:

- New Premises Licences and Club Premises Certificates
- Variations to Premises Licences and Club Premises Certificates
- Provisional Statements for proposed premises yet to be built
- Transfer of Premises Licences
- Disapplication of mandatory condition in respect of alcohol sales at village halls and community premises
- Variations of licences to change the Designated Premises Supervisor
- Reviews of Premises Licences and Club Premises Certificates
- Personal Licences
- Temporary Events Notices

2.8 The Licensing Authority also regulates other activities at licensed premises which include sexual entertainment events and gambling.

3. Licensing Authority General Policy Considerations

- 3.1 The Licensing Authority encourages the development of premises which are not alcohol-led and which are aimed at different sectors of the population, including all ages and genders. Premises that promote the arts, offer food, or other cultural activities are particularly encouraged.
- 3.2 Where premises such as pubs are alcohol-based, they are encouraged to consider diversifying their provisions so as to encourage a mixed customer-base and wider attractions, including community uses, soft refreshments, snacks and live entertainment. Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises.
- 3.3 The Licensing Authority recognises the need to promote and encourage live and recorded music, dancing, theatre and other forms of entertainment for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be carefully balanced with the wider benefits.
- 3.4 Pre application advice is available from licensing officers upon request and where appropriate. The Licensing Authority expects that applicants will have in advance researched and understood the relevant Law in relation to their application and their particular business plans as well as this Policy. It is not for licensing officers to determine the business needs and capabilities of an applicant but advice can be offered in relation to the licensing objectives. In addition guidance notes are available on the licensing pages of Council's website – [Licences – Tonbridge and Malling Borough Council](#)
- 3.5 Licensing officers will also provide advice to other parties on the licensing process where needed in relation to objecting to or supporting applications that may affect them. However, Tonbridge & Malling Borough Council cannot provide legal advice to applicants or other parties.
- 3.6 Supermarkets and other 'off' licensed premises selling alcohol: the Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises throughout their opening times. However, where there are reasons for restricting or amending hours, for example, where premises become the focus of disorder and disturbance, such restrictions or amendments will be considered where relevant representations have been made.
- 3.7 All 'off' licensed premises must comply with the Licensing Act 2003 Mandatory Conditions Order in relation to age related sales. The Licensing Authority also expects such premises to consider any appropriate and proportionate additional measures to prevent and deter proxy sales on behalf of under 18's.
- 3.8 Premises licence holders should also carefully consider alcohol sales to customers who have or appear to have alcohol related health issues, and whether those customers already appear under the influence of alcohol when attempting to make purchases.

- 3.9 The Licensing Authority expects adequate checks to be made, and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by most large supermarket chains) is not delivered to minors to prevent a risk of underage consumption.
- 3.10 Where self-pay till points are made available in stores selling alcohol, provision must be considered for alcohol sales to be identified and approved prior to completion of the purchase.
- 3.11 The Licensing Authority expects the premises licence holder or DPS to provide training to staff in relation to alcohol sales. The DPS will authorise competent employees to sell alcohol on their behalf in writing.
- 3.12 The Licensing Authority expects that a DPS should usually have responsibility for only one licensed premises at a time to ensure good management of the premises and the licensable activities. Where the same person is a nominated DPS on more than one premises licence and representations are made, the Licensing Authority will wish to satisfy itself that the premises in question can properly be managed by that person whilst responsibly promoting the licensing objectives.
- 3.13 Film Exhibitions - The Licensing Authority expects premises licence holders or club premises certificate holders to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself.
- 3.14 Live Music - It is acknowledged the implementation of the Live Music Act in 2012 has resulted in a light touch regulation of live music up to 11pm on alcohol licensed premises. This is seen as a positive approach for premises wishing to provide live music. However, the Licensing Authority does not see this as an opportunity for the premises licence holder to provide live music events that cause nuisance and disturbance to local residents or businesses.
- 3.15 The Licensing Authority expects that where unregulated live music is proposed at licensed premises, all due care and consideration is taken to prevent disturbance.
- 3.16 Deregulated Entertainment. Where the further deregulation of schedule 1 of the Licensing Act has reduced the regulatory controls on some regulated entertainment activities, the Licensing Authority will expect premises licence holders to ensure that no nuisance or disturbance is caused to local residents and businesses when providing the deregulated activities.
- 3.17 Late Night Levy (LNL). Whilst it is acknowledged that the provisions for implementing a late night levy arise from the Police Reform and Social Responsibility Act 2011, any levy will potentially have a direct impact on all licensed premises within the Borough. The Licensing Authority has considered the options around the imposition of a LNL and has no plans at the time of drafting this policy to consider an imposition of the levy. Should evidence arise to support implementing

a levy the statutory consultation process will be followed and the authority will use its discretion very carefully in relation to design and impact of a levy.

- 3.18 In advance of any decision to implement a LNL, this authority will enter into discussions with the Police with a view to agreeing the allocation of the Police share of the levy to support the policing of the night time economy within this Borough .
- 3.19 Early Morning Alcohol Restriction Order (EMARO). The Licensing Authority has considered the options around the imposition of an early morning alcohol restriction order and has no plans at the time of developing this policy to consider such an Order. There is currently evidence of low levels of alcohol related crime and disorder, nuisance and anti-social behaviour within the Borough which is decreasing. Should evidence arise to support implementing an EMARO, the statutory consultation process will be followed and the matter referred to the Full Council for determination.
- 3.20 **Licensing and planning permission. The use of a licensed premises or place may be subject to planning controls. This is a separate regulatory regime outside the scope of the Licensing Act 2003. The Licensing Authority recognises that there is no legal basis for refusing a licence application in the absence of any planning permission for the business to which the licence application relates. However, all applicants should be in possession of the necessary planning authorisation.**
- 3.21 Need for licensed premises and Cumulative Impact. ‘Need’ concerns the commercial demand for particular licensed premises such as a pub, club or hotel. This is a ‘market forces’ matter and is not of concern to the Licensing Authority. ‘Cumulative Impact’ means the potential impact on the promotion of the licensing objectives by a significant or excessive number of licensed premises concentrated in one locality. This is a matter for consideration by the Licensing Authority.
- 3.22 The Licensing Authority acknowledges that a concentration of some types of licensed premises in a locality can result in increased footfall, congregation of the public in the streets and potential for increased crime and disorder, litter and anti-social behaviour, as well as noise nuisance to local residents. This would be a result of the presence of the number of premises and not attributable to individual businesses. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation
- 3.23 The Licensing Authority, having regard to the evidence available, considers that currently there is no particular part of the Borough where there is a negative cumulative impact of licensed premises on any of the licensing objectives. If residents or a Responsible Authority (in particular the Police) provide relevant evidence through a representation in the future that supports the imposition of a Policy that restricts the number of new and/or later opening premises, this will be considered and consulted on.
- 3.24 The absence of an existing cumulative impact or saturation policy does not, however, prevent any responsible authority or other person making representations on a new application for the grant

of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Licensing Authority will also take into account the effect on resources, including police resources, to cope with any influx of visitors to an area, particularly late at night.

4. Responsible Authorities and Other Persons

- 4.1 **Responsible authorities are public bodies that must be notified of applications by the applicant. Where an application to made online the responsibility will fall on the Licensing Authority to serve the application on the Responsible Authorities. The full list and contact details can be found at Appendix A and are contained on the Tonbridge & Malling Borough Council website [Licences – Tonbridge and Malling Borough Council](#)**
- 4.2 When dealing with applications and variations for licences and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as 'Responsible Authorities' and 'Other Persons'. This allows for a broad range of people to comment both for and against applications for premises licences, club premises certificates and for reviews.
- 4.3 The Licensing Authority may only consider representations that are relevant to the promotion of the licensing objectives.
- 4.4 The Licensing Authority will take care to ensure that concerns raised by Responsible Authorities in relation to their own legislative functions are not considered if they are not relevant to the application for a premises licence under the Act, or the promotion of the licensing objectives. It would expect those authorities to use their powers and duties within their statutory roles to control such matters. Any representation made by a Responsible Authority that relates to the promotion of the licensing objectives will be accepted.
- 4.5 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. The Police are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Licensing Authority will accept all reasonable and proportionate representations made by the Police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.
- 4.6 Where an 'Other Person or Persons' request to be represented when seeking to make a representation, the Licensing Authority will require written evidence from the person/s being represented that they have authorised a third party to speak or write on their behalf.
- 4.7 The Licensing Authority will examine closely all representations to ensure that they are not frivolous, repetitive or vexatious. Matters that this authority will look at are likely to include:
- whether there is a history of making representations that are not relevant or which have been previously considered vexatious or frivolous and are intended to cause aggravation or annoyance

- whether the representation raises a 'relevant' issue
- whether the representation raises issues specifically to do with the premises and/or the licensable activities that are the subject of the application.

- 4.8 The above considerations are not exhaustive, and the Licensing Authority will have regard to anything a person making a representation, or persons representing them, say about his or her status to make representations. Nothing in this Policy should be taken to undermine the right of any person to make a representation on an application or to seek a review of a licence where provision to do so exists.
- 4.9 The Public Health Authority is now included on the list of Responsible Authorities. It is acknowledged that they may be useful in providing evidence of alcohol related crime and disorder or public nuisance etc. that are directly linked to premises or a cluster of premises. It may also be able to provide relevant information on alcohol related admissions that relate to specific licensed premises.
- 4.10 The Licensing Authority as a Responsible Authority. The Licensing Authority has carefully considered its role as a Responsible Authority under the Act. It will achieve a separation of responsibilities through procedures and approved delegations within the authority to ensure procedural fairness and eliminate conflicts of interest. A separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority) to different officers within the licensing team.
- 4.11 The Licensing Authority does not expect to act as a Responsible Authority on behalf of third parties but accepts that there may be rare circumstances where this approach may be required. An example may be where matters arise at premises of which the licensing authority is aware of the negative impact on the promotion of the licensing objectives and residents, and other third parties have failed to take action by either requesting a review or making representation.

5.Exchange of information

- 5.1 **The Licensing Authority will act in accordance with the provisions of the Licensing Act 2003, General Data Protection Regulation 2018, and the Data Protection Act 1998 in its exchange of information. Where a protocol is established to set out the mechanism for exchange of information with other regulatory bodies, any such protocol will be made publicly available.**

6. Human Rights and Equal Opportunities

- 6.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention. The Licensing Authority will interpret the Licensing Act 2003 in a manner consistent with the Human Rights Act 1998.
- 6.2 The Licensing Authority will consider the effect upon people's human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the council which affects another's rights must be no more onerous than is necessary in a democratic society.
- 6.3 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day-to-day work – in shaping Policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.
- 6.4 The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

7. Compliance and Enforcement

- 7.1 There are a range of offences detailed under Part 7 of the Licensing Act 2003. The Licensing Authority will liaise with the Responsible Authorities to determine enforcement of specific offences on a case-by-case basis. Offences related to sales of alcohol to minors will be enforced by the Police or Trading Standards Authority unless they form part of a range of offences identified by the Licensing Authority.
- 7.2 The Licensing Authority has an approved Licensing Enforcement Policy which complies with the Regulators' Code and it has also adopted the Kent and Medway Enforcement Protocol.
- 7.3 A risk-based inspection programme is in place, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk and well managed premises. The risk-based approach is based on Home Office Guidance; the activities authorised and premises compliance history.
- 7.4 Annual fees and suspension of licences for non-payment. - The Licensing Authority is required under section 55A of the Licensing Act to suspend premises licenses where the annual fee has not been paid. The Licensing Authority will invoice each premises licence holder when the annual fee is due setting out the fee that is due and the consequences for non-payment. Where the fee has

not been paid or there has been no claim of administrative error by the end of 21 days of the due date, the Licensing Authority will serve the required 7 working day notice to suspend the licence.

- 7.5 Where a licence is suspended no licensable activities will be authorised to take place at the premises until the suspension is lifted on receipt of payment of the overdue fee. Officers will conduct enforcement visits to premises where a licence has been suspended and will take the appropriate action in accordance with the council's enforcement policy.
- 7.6 If an operator does not wish to carry on the activities that require the premises licence or certificate anymore it is important the licence or certificate is surrendered to prevent maintenance fees being accrued.

SPIKING AWARENESS – “ASK FOR ANGELA”

- 7.7 People's safety in the nighttime economy is continually highlighted in the press, media and social media coverage
- 7.8 Details of training material can be found at [Home - Ask For Angela](#)
- 7.9 **Safety measures to put in place**
- Premises should train staff about the “Ask Angela Scheme” and drug awareness, including the effects of Psychoactive substances where the chemicals affect brain function.
 - Premises staff should encourage customers to ensure their drinks are not left unattended
 - Use of publicity material to ensure customers remain vigilant (posters)
 - The Council expects that when a trained member of staff hears the code phrase they should understand that the person needs support and will be able to respond in an appropriate, discreet way. This could be offering them an alternative way out of the venue, calling them a taxi or in a more serious situation, altering venue security and/or the Police.

8. New Premises Licences

- 8.1 In making decisions about applications for licences the Licensing Authority will have regard to:
- the Licensing Act 2003
 - the Statutory Guidance issued under section 182 of the Licensing Act 2003
 - the Statement of Licensing Policy made under section 5 of the Licensing Act

Any decision made that departs from guidance or policy will be set out in the decision notice stating the reasons why the Licensing Authority departed from the guidance or policy.

- 8.2 Where elements of applications are unclear or unspecific, particularly in relation to operating schedules and trading hours, the Licensing Authority will expect the applicants to provide additional information for clarity on a request.
- 8.3 Licensing officers will routinely check that the Public Notices at the premises and the Public Notices in newspapers are displayed in accordance with the regulations as part of the public notice process.
- 8.4 Licensing officers will also notify ward councillors to whose ward the application relates, and the parish council for the relevant parish of receipt of an application via the weekly premises tracker.
- 8.5 Where there are no relevant representations have been received, the licence will be automatically granted after 28 days or at the end of the public notice period. Licensing officers will interpret the detail of the operating schedule and convert it into consistent enforceable licence conditions.
- 8.6 Where relevant representations are received the application will be referred to the Licensing panel and appeals committee for determination at hearing, unless all parties agree that a hearing is not necessary. Where applications result in the need for a hearing the process at section 16 of this policy will apply.

9. Variations to Licences

- 9.1 From time-to-time premises licence holders may wish to change the nature of the business, vary the trading hours or the licensable activities on offer. These can range from minor changes having little or no impact such as minor changes to the premises plan to more significant changes that will affect the promotion of the licensing objectives. These could include for example; the provision of additional activities and longer and later trading hours. However where a variation is so substantial that it significantly changes the nature of the business and layout of the premises it is likely that a new premises licence application will be required rather than a variation.
- 9.2 The relevant parts of this Policy to be applied to significant variation applications is the same as for new premises licence applications at section 8 above.
- 9.3 Where applications are made for minor variations, Licensing Officers will consider whether there is any impact on the promotion of the Licensing Objectives. Where the variation proposed creates a significant impact on the promotion of the Licensing Objectives the application will be rejected and the applicant advised to seek a standard variation.
- 9.4 Where minor impact or no impact is considered Licensing officers will consult with the relevant (if any) responsible authorities.

10. Variations to specify a new designated premises supervisor (dps)

- 10.1 The Licensing Authority expects that usually the nominated DPS on a licence will be involved in and supervising the day-to-day operation of licensed premises that sell alcohol. Where the person nominated as DPS ceases to undertake that role the Licensing Authority would expect the premises licence holder to replace that person as soon as is reasonably practicable to maintain adequate control of the premises.
- 10.2 Where a DPS notifies the Licensing Authority that he or she has resigned, the licensing officers will enter into immediate discussion with the premises licence holder in relation to the mandatory conditions concerning the sale of alcohol and provide appropriate advice to prevent unauthorised alcohol sales.
- 10.3 All applications to specify a new DPS must be made by the licence holder or by a person/body authorised in writing to act on the premises licence holder's behalf.
- 10.4 Where there are no representations the default position is to grant the variation.
- 10.5 The Licensing Authority will give appropriate weight to relevant representations received from the Police about a proposed DPS. Applications that receive relevant representations will be referred for a hearing at which point the Licensing panel and appeals committee may approve or reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.

11. Transfers of premises licences

- 11.1 Before a licence transfer can be processed, the Licensing Authority usually expects consent to have been obtained from the previous premises licence holder. If this is not possible the applicant will be expected to demonstrate that he or she has taken all reasonable steps to secure consent to transfer the licence.
- 11.2 It is acknowledged that in some cases premises licence holders leave premises and do not provide any forwarding contact details, or there has been a death or incapacity of the licence holder. In such cases where a premises licence holder cannot reasonably be contacted to give approval, a licence will be transferred in accordance with the requirements of the Act.
- 11.3 Where a relevant Police objection to the transfer is received the application will be determined through the hearings process unless it is agreed by the applicant and Police as unnecessary.

12. Provisional statements for premises

- 12.1 A provisional statement may be applied for, by a person interested in a premises, where a proposed licensed premises has yet to be built or altered for the purpose of becoming a licensed premises. This option allows potential applicants advance notice of whether a premises licence is likely to be granted on completion of its construction or conversion.
- 12.2 The process for considering an application for a provisional statement is the same as that for a premises licence application, including a schedule of works. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and other parties may make representations and there are rights of appeal.
- 12.3 The holder of a provisional statement may apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, where the application is for a licence in the same form as the provisional statement and the work described in the schedule of works has been satisfactorily completed. Representations are excluded where:

Where the relevant person could have made the same or substantially the same representations about the provisional statement application but failed to do so without reasonable excuse and there has been no material change in circumstances of the premises or area in the vicinity of the premises since the provisional statement.

13. Club premises certificates

- 13.1 The Licensing Authority acknowledges the importance and history of members clubs and the privileged position held by clubs historically in relation to alcohol licensing.
- 13.2 Members clubs are able to obtain a club premises certificate to authorise licensable activities for their members and their guests. There is no requirement for any members to hold a personal licence under the Licensing Act 2003, and there is no requirement to specify a designated premises supervisor. It is acknowledged that alcohol is supplied by and for the members through their membership of the club.
- 13.3 In order to apply for a club premises certificate the Licensing Authority must be satisfied that the club is a qualifying club and satisfies the legal conditions set out in the Act. Applicants for a club premises certificate will be required to complete a club declaration form setting out how the club will meet the conditions and definitions stated in the Act. Licensing officers will have delegated authority to make additional enquiries where appropriate in order to satisfy that a proposed club meets the criteria laid out in the Act.

- 13.4 The fundamental principles for premises licence applications set out at section 15 of this Policy will apply to applications for club premises certificates subject to exemptions in respect of the DPS and the requirement for evidence of the club's status.
- 13.5 Any qualifying club wishing to offer licensable activities at events to which non-members will attend will be required to authorise such activities by way of a Temporary Event Notice or by ensuring compliance with the club rules to allow the public to enjoy the clubs facilities and activities without jeopardising the validity of the club premises certificate.
- 13.6 The Licensing Authority expects 'public' events on club premises to be authorised by a Temporary Event Notice. It is expected that club committee members will seek advice from the Licensing Authority prior to providing such activities for non-members to prevent any unauthorised activities.
- 13.7 Where the Licensing Authority identifies that a club no longer meets the conditions set out in section 62 of the Licensing Act 2003 or where the Licensing Authority obtains evidence to demonstrate that a club no longer acts in good faith as a qualifying club, it will give the club a notice withdrawing the club premises certificate.
- 13.8 Suspension of Club Premises Certificates may also occur under section 92A of the LA2003, failure to pay annual fee.

14. Review of a premises licence or club premises certificate

- 14.1 The Licensing Authority acknowledges that matters can arise at premises that raise concern as to the continued promotion of the licensing objectives at licensed premises.
- 14.2 The Act allows a licence to be reviewed where such matters arise. It is expected that most reviews will be applied for by Responsible Authorities.
- 14.3 Although this Licensing Authority is also a Responsible Authority and may bring about a review application, it is not expected that it will act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups).
- 14.4 Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Licensing Authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may consider acting in its capacity as Responsible Authority.

- 14.5 The Licensing Authority will determine whether a review application is relevant and the validity of a review application will be determined by a licensing officer. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- relevant to one or more of the licensing objectives
 - Not frivolous, vexatious or repetitious.
- 14.6 The Licensing Authority would expect grounds for a review to be evidence based but will consider each application on its merits.
- 14.7 Where a review application is accepted the Licensing Authority will encourage the parties to enter into mediation during the consultation period to help resolve or narrow issues arising. The Council would be happy to assist in these meetings being chaired by a member of their team but all parties may choose to have a different third party as a mediation chairperson.
- 14.8 All reviews, save where agreed by all parties as unnecessary, will lead to a hearing before the Licensing panel and appeals committee. This may be a full hearing or a condensed hearing to consider the outcome of mediation. However other parties who have made representation but not been involved in mediation will be permitted to voice their representations at the hearing in accordance with the Hearings Regulations. The Policy applied to hearings can be found in section 16.

15. Application to vary premises licence at community premises to remove the mandatory requirement for a dps.

- 15.1 The Licensing Authority acknowledges the value that local community premises bring to their localities and that most are operated and managed by volunteers. The mandatory requirement for a nominated DPS to be in place at alcohol licensed community premises can be burdensome and difficult for an individual to manage at such premises.
- 15.2 The Act allows management committees at community premises to take over the responsibility of the alcohol sales by applying to the Licensing Authority to remove the requirement to have a nominated DPS at the premises to authorise sales of alcohol. The Licensing Authority will, subject to strong evidence that a community premises is well managed by an experienced committee, support applications to remove the mandatory condition requiring all alcohol sales to be authorised by a personal licence holder.
- 15.3 Before considering an application the Licensing Authority will satisfy itself that a premises meets the definition of a community premises. Enquiries will be made as to the regular use of the premises and whether it is in the main 'community' based. Where there is a regular 'commercial' or 'non-community based' use or a membership requirement to use the premises it is unlikely that such a premises would meet the definition of a community premises and permission to remove the requirement for a DPS is likely to be refused.

- 15.4 In general it is expected that premises that form part of a church hall or chapel hall or are a village, parish or community hall or other similar building would in most cases meet the definition of a community premises, although each will be considered on its individual merits and the evidence provided or obtained.
- 15.5 The Licensing officers will consider, on a case by case basis, all applications to remove the mandatory condition and will ask such questions or seek the necessary evidence to confirm the suitability of the management committee to collectively authorise the supply of alcohol the premises.
- 15.6 Committees that make an application will be expected to have members who are aware of the law relating to the sale of alcohol, contain steps within their operating schedule to prevent offences relating to alcohol sales and also to include appropriate rules in hiring agreements where the premises is hired out to the public for events that will involve the sale of alcohol.

16. Hearings

- 16.1 Any application that has resulted in the submission of relevant representation from any party will be referred to the Licensing Sub-Committee for a hearing and determination in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 16.2 A sub-committee will consist of 3 suitably trained members of the Licensing Committee. The sub-committee will be advised on the law by a member of the Council's Legal Services Team. That legal team member will not be involved in the application process to prevent a conflict of interest by ensuring a clear separation of roles.
- 16.3 This Policy will play a key role in achieving consistency in decision making.
- 16.4 Where representations are made only by Responsible Authorities, the Licensing Authority would expect applicants and Responsible Authorities to enter into negotiation or mediation prior to a hearing in an attempt to resolve or narrow issues before attending the licensing hearing and to achieve an outcome satisfactory to all parties.
- 16.5 Parties will be advised of the hearing date and procedure in advance and in accordance with the statutory process. At all hearings the Licensing and appeals committee sitting as a panel will have regard to the Guidance issued under section 182 of the Act. This authority may use its discretion where there are strong and defensible reasons for departing from the Guidance and where it considers it right to do so. In any such case this Licensing Authority will clearly express and explain its reasons for doing so.
- 16.6 The Licensing Authority must give appropriate weight to representations made by the Police on crime and disorder matters. It will give appropriate weight to all representations made by all parties based on the content and relevance to the promotion of all licensing objectives.
- 16.7 All decision notices will be in writing and will include all considerations taken when making the decisions.

17.Licence conditions

- 17.1 A key concept in the Licensing Act is that conditions that are attached to licences or certificates are tailored to suit the individual style and characteristics of the premises and its activities and the impact of those activities. Those conditions must be appropriate and proportionate in order to promote the licensing objectives at that premises.
- 17.2 All licences that authorise the sale of alcohol will be subject to the mandatory conditions set out in the Act and Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014)
- 17.3 Applicants will be expected to include appropriate steps to promote the licensing objectives within their operating schedule which may be converted to conditions which are then placed on the premises licence or club premises certificate.
- 17.4 Where applications receive valid representations and are subject to a hearing, the Licensing and appeals committee sitting as a panel will consider the evidence provided within representations, the detail of the application, the nature of the premises and business and only where appropriate and proportionate will attach conditions to a licence to secure the promotion of the licensing objectives in light of the evidence provided.
- 17.5 Decisions on individual licence conditions will be made on a case by case basis, and where there are concerns over the effective promotion of the licensing objectives, the applicant will be given the opportunity to offer suggestions on how the objectives can be met. The Licensing Authority will work closely with all parties and the applicant in establishing workable, enforceable and reasonable conditions for new and variation applications.
- 17.6 In all cases the Licensing Authority will have regard to the Guidance when considering the implementation of licence conditions.
- 17.7 In all cases conditions will promote the licensing objectives, be unambiguous and enforceable, appropriate to the activities and the business, achievable and applicable to the premises and the areas around the premises which is within the premises licence holders control.
- 17.8 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory systems including Health and Safety at Work, Fire Safety, Food Hygiene and Nuisance Control. However these regulations may not cover the unique circumstances of some activities and entertainment. In these circumstances, the council may therefore, where necessary, attach conditions to premises licenses for the promotion of the licensing objectives.

CONDITIONS TO PROMOTE THE PREVENTION OF CRIME AND DISORDER.

- 17.9 UNDER THE ACT THE LICENSING AUTHORITY HAS A DUTY TO PROMOTE THE LICENSING OBJECTIVES, AND, A FURTHER DUTY UNDER THE CRIME AND DISORDER ACT 1998 TO DO ALL IT REASONABLY CAN TO PREVENT CRIME AND DISORDER IN THE BOROUGH.
- 17.10 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer,

location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction to responsible drinks promotions
- Use of safety glass
- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage “vertical drinking”
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

- 17.11 In busier premises the Licensing Authority would usually expect to see a short (e.g.30 mins) ‘wind down’ or ‘drinking up’ period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.
- 17.12 The Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence. Where the Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area.
- 17.13 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to consider inclusion of a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.
- 17.14 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidential purposes. Premises licence holders will be expected to fully comply with the requirements of the Information Commissioners Office, Data Protection Act 1998 and the General Data Protection Regulation 2018, in respect of any surveillance equipment installed at a premises.
- 17.15 Any application resulting in a hearing the Licensing and appeals committee sitting as a panel will consider each application on its individual merits and determine the imposition of conditions that are appropriate to promotion of the licensing objectives.

CONDITIONS TO PROMOTE PUBLIC SAFETY.

- 17.16 The applicant will be expected to show how the physical safety of persons attending the premises will be protected and to offer any appropriate steps in the operating schedule to promote this.

- 17.17 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.
- 17.18 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises.

CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.

- 17.19 The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.
- 17.20 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:
- Proximity of local residents to the premises
 - Licensable activities proposed and customer base
 - Hours and nature of operation
 - Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
 - Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
 - Availability of public transport to and from the premises
 - Delivery and collection times and locations.
 - Impact of external security or general lighting on residents.
 - History of management of and complaints about the premises.
 - Applicant's previous success in preventing Public Nuisance.
 - Outcomes of discussions with the relevant Responsible Authorities.
 - Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
 - Collection of litter arising from the premises

- 17.21 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.
- 17.22 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

CONDITIONS TO PROMOTE THE PROTECTION OF CHILDREN FROM HARM.

- 17.23 Applicants will be expected to detail any appropriate and proportionate steps to protect children at the premises from any harm. The Licensing Authority recognises the right of premises licence holders (serving alcohol) to allow accompanied children into their premises. The Licensing Authority would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm. 23

17.24 Steps to protect children from harm must be carefully considered for inclusion where:

- There is entertainment or services of an adult nature provided.
- There have been previous convictions for under age sales of alcohol.
- There has been a known association with drug taking or dealing.
- There is a significant element of gambling on the premises.
- There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
- Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.

17.25 Nothing in the Licensing Act prevents the premises licence holders from excluding children from a licensed premises and no condition can be added to require the admission of children.

17.26 Where there are no matters that give rise to concern in respect of children at premises the Licensing Authority would expect to see the relevant box on an application form completed to specify NONE.

18. Personal licences

18.1 Any person who wishes to act as a DPS at licensed premises must be in possession of a personal licence issued under the Licensing Act 2003. Any other person may also apply for a personal licence subject to meeting the necessary criteria. The Licensing Authority acknowledges the default grant position for applicants who meet the statutory criteria under the Licensing Act 2003.

18.2 The Police will only be consulted where the applicant declares a previous conviction for a relevant offence. A relevant conviction is one that is listed in Schedule 4 of the Licensing Act 2003.

18.3 Where a representation is received from the Police the Licensing Authority must hold a hearing unless the Police and the authority agree that it is unnecessary. The application must be rejected if it is considered appropriate for the promotion of the crime prevention objective and granted in any other case.

18.4 The Police must give a notice of objection to the Licensing Authority within the statutory 14 day consultation period. The Licensing Authority accepts that there is no discretion to accept a late notification from the Police even if the objection provided evidence that to grant the licence would undermine the crime prevention objective.

18.5 The Licensing Authority requires all personal licence holders to advise if there is a change of their name or address in accordance with the Act. All licence holders are advised of this requirement when a licence is granted. Any changes will be updated and an amended licence will be issued within 20 working days of a notification of change.

18.6 The Licensing Authority anticipates that the Magistrates' and Crown Courts will take appropriate action in relation to a personal licence where licence holders are convicted of relevant offences in

those courts after the grant of a personal licence and notify the Licensing Authority of any action taken in respect of a personal licence.

- 18.7 The Licensing Authority requires personal licence holders to undertake their duty to disclose any convictions for a relevant offence after a personal licence has been granted. The Licensing Authority and/or the Police will take appropriate formal action against the licence holder where subsequent relevant convictions are not declared under that duty.

19. Temporary event notices

- 19.1 The Licensing Act 2003 makes provision for the authorisation of a person (known as a premises user) to provide licensable activities on a temporary basis at unlicensed premises, or to add activities and/or extend the hours of existing activities at a licensed premises. The activities are authorised by the serving of a Temporary Event Notice (TEN) on the Licensing Authority, subject to the notice meeting the proper criteria as detailed under the Act.
- 19.2 Comprehensive planning of events is essential and where there are likely to be impacts on neighbouring residents or businesses as a result of the activities to be authorised by a TEN, the Licensing Authority expects the premises user to have considered any potential impacts and how they may be mitigated.

The number of times a premises user may give a TEN is 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people

The number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised and the number of times a TEN may be given for any particular premises is 15 times in a calendar year.

- 19.3 The Licensing Authority welcomes requests for advice from applicants who wish to provide temporary events to ensure they understand the law relating to such events and to reduce the likelihood of objections being made.
- 19.4 There are two types of TEN, Standard and Late. Both are subject to a numerical limit on the number of each type of TEN that can be served by personal licence holders and non-personal licence holders in a calendar year. There are also numerical limitations on the number of TENs that may be served in respect of individual premises or place.
- 19.5 **Standard TEN** - A standard TEN must be served at least 10 working days (Monday to Friday excluding Bank Holidays) before the event commences. The 10 working days excludes the day of service and the day on which the event starts. Copies of the TEN must be served on the Licensing Authority, The Environmental Health (EH) Department, and the Police. If the TEN is submitted online it is the responsibility of the Licensing authority to serve this notice on the responsible authorities. The fee is payable only to the Licensing Authority.
- 19.6 Where numerical limits are exceeded the Licensing Authority will serve a counter notice and the proposed licensable activities will not be authorised.
- 19.7 Where objections are received from the Police and/or EH and not withdrawn, the notice will be referred for a hearing before the Licensing panel and appeals committee. The Licensing panel and appeals committee may approve the TEN as applied for, add appropriate conditions (if the TEN

takes place on a premises with an existing premises licence) or reject a TEN by serving a counter notice A refund of the fee will not be made.

- 19.8 **Late TEN** - A late TEN may be served between 9 and 5 working days before a proposed event commences. The same limitations apply to the day the notice was served and the day of the event. Where numerical limits are exceeded a counter notice will be served and the proposed licensable activities will not be authorised. A refund of the fee will not be made.
- 19.9 If the late TEN is served with fewer than 5 working days' notice it is deemed invalid and will be rejected. The proposed activities would not be authorised. The Licensing Authority has no discretion to accept TENs outside the permitted statutory deadlines.
- 19.10 Where valid representations are received from the Police or EH in respect of a late TEN, the TEN will be rejected and proposed activities will be unauthorised. A refund of the fee will not be made.
- 19.11 The Licensing Authority will take the appropriate action where there is evidence that licensable activities have been provided without the authorisation of a TEN.
- 19.12 It should be noted that if a TEN has been processed and is no longer required the fee will not be refunded as the Licensing Authority has already carried out its obligations.

20. Other relevant matters

- 20.1 Adult entertainment. The Licensing Authority has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions.
- 20.2 The Licensing Authority acknowledges that exemptions under the above legislation do allow sexual entertainment to be provided at premises licensed under the Licensing Act 2003, as long as it is provided on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Those infrequent events will be regulated by the licence granted under the Licensing Act 2003 where that licence authorises performances of dance and where the original application specified that such adult entertainment was proposed to be provided.
- 20.3 **Gaming machines in licensed premises** - Automatic entitlement. There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D. The premises licence holder merely needs to notify this Licensing Authority and pay the prescribed fee.
- 20.4 This authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives (under the GA2005);
 - gaming has taken place on the premises that breaches a condition of section 282 of the GA2005 (for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines);
 - the premises are mainly used for gaming; or
 - an offence under the GA2005 has been committed on the premises.
- 20.5 Gaming Machine Permit – If a premises wishes to have more than 2 machines of categories C and/or D, then it needs to apply for a permit and this authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Act, and such matters as officers consider relevant.

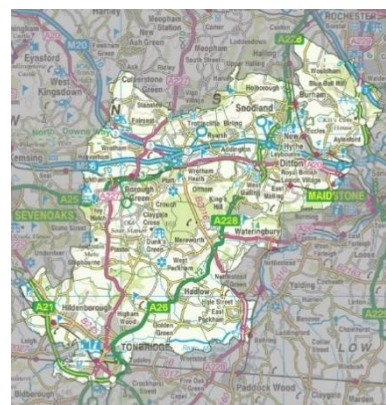
Appendix A

Tonbridge & Malling Borough Council

The Area

The borough of Tonbridge and Malling lies in the heart of Kent and is an area of variety and historical interest. The borough is largely rural with few large settlements; Tonbridge in the south being the largest, the remainder of the borough is dotted with villages and smaller towns. The latest population figures from the 2023 mid-year population estimates show that there are 135,200 people living in the borough. This population size makes Tonbridge & Malling the 6th largest local authority district in the Kent County Council (KCC) area. 70% of the borough's population live in the urban areas, with the remaining 30% living in the surrounding rural area and settlements.

Industry and commerce are concentrated around Tonbridge, Aylesford, Ditton, Larkfield and Snodland. Mineral extraction has been carried out in the area for many years. Paper and packaging mills, distribution, general and light industry and many small businesses make up the industrial scene. The borough is a popular area for office location and high-tech development, particularly at the Kings Hill business and residential community.



Tonbridge & Malling has a younger age profile compared to the county average, with a greater proportion of 5 to 14-year-olds than the average for the KCC area. Tonbridge & Malling also has a higher proportion of middle-aged residents, aged between 40 and 59, compared to the county average.

Over the last 10-years Tonbridge & Malling's population has grown by 9.4% (an additional 11,400 people). This is the 5th highest rate of growth of any Kent district. The population growth in Tonbridge & Malling is set to continue with current forecasts suggesting that between 2021 and 2041 the population of the borough will increase by a further 23.5%. This is the 4th highest rate of growth expected for any Kent district and a growth rate that is higher than the county average of 20.1%. This forecast is based on KCC's assessment of the district authority's future housing targets as at November 2021. Such targets will be subject to changes as district authorities develop their Local development framework.

88.3% of Tonbridge & Malling's population is of white ethnic origin with the remaining 11.7% being classified as of Black Minority Ethnic (BME) origin. The proportion of Tonbridge & Malling's population classified as BME is lower than the county average of 16.8%.

Within the ethnic minority population of Tonbridge & Malling, the largest ethnic group is Other White (accounting for 3.9% of all residents) with the second largest group being residents of Indian ethnic group accounting for 1.2% of all residents.

Appendix B

Contact details for Licensing Services at Tonbridge and Malling Borough Council

Email: Licensing.services@tmbc.gov.uk

Council website: [Licences – Tonbridge and Malling Borough Council](#)

Appendix C - Responsible authorities for Tonbridge & Malling Borough Council

<p>Kent Police Licensing Coordinator Community Safety Unit Tonbridge & Malling Borough Council Gibson Drive Kings Hill West Malling Kent ME19 4LZ west.division.licensing@kent.pnn.police.uk Tel: 01732 379255</p>	<p>Kent Fire & Rescue Service Maidstone Fire Station Loose Road Maidstone Kent ME15 9QB TFS.midgroup@kent.fire-uk.org Tel: 01622 212430</p>
<p>Social Services Kent Safeguarding Children's Board Sessions House County Hall Maidstone Kent ME14 1XQ social.services@kent.gov.uk Tel: 03000 411111</p>	<p>Trading Standards Kent County Council Invicta House County Hall Maidstone Kent ME14 1XX trading.standards@Kent.gov.uk Tel: 03000 412000</p>
<p>Environmental Health Tonbridge & Malling Borough Council Gibson Building Gibson Drive Kings Hill West Malling Kent ME19 4LZ environmental.protection@tmbc.gov.uk foodandsafety@tmbc.gov.uk Tel: 01732 844522</p>	<p>Planning Tonbridge & Malling Borough Council Gibson Building Gibson Drive Kings Hill West Malling Kent ME19 4LZ planning.applications@tmbc.gov.uk Tel: 01732 844522</p>
<p>Alcohol Licensing team (Home Office) Home Office (Immigration Enforcement) IE Licensing Compliance Team (IELCT) 2 Ruskin Square (Floor 6) Dingwall Road Croydon CR0 2WF IE.licensing.applications@homeoffice.gov.uk</p>	<p>Kent Public Health Department Room 3.45, Sessions House, County Hall, County Road Maidstone, Kent ME14 1XQ Tel: 0300 333 6379 Gillian.Montgomery@kent.gov.uk</p>

Appendix D

References to guides of best practice

Revised guidance issued under section 182 of Licensing Act 2003

www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics

www.ioa.org.uk

Good Practice Guide: Licensing published jointly by the Justices' Clerks' Society and the Magistrates' Association (April 1999)

www.magistrates-association.org.uk

The National Alcohol Harm Reduction Strategy Toolkit

www.alcoholconcern.org.uk

The Point of Sale Promotions published by BBPA

www.beerandpub.com

Public Places Charter

www.ash.org.uk

National Pubwatch

www.nationalpubwatch.org.uk

Appendix E

Contact details and useful addresses

<p>Disclosure and Barring Service (DBS) Customer services PO Box 165 Liverpool L69 3JD</p> <p>Information line: 0870 90 90 811</p> <p>Website: Disclosure and Barring Service - GOV.UK</p>	<p>British Beer & Pub Association Ground Floor Brewers' Hall Aldermanbury Square London EC2V 7HR</p> <p>Tel: 020 7627 9191</p> <p>contact@beerandpub.com</p> <p>Press Office: 020 7627 9199</p>
<p>British Institute of Inn keeping (BII) Wessex House 80 Park Street Camberley Surrey. GU15 3PT</p> <p>Tel: 01276 684 449 www.bii.org</p> <p>Email: reception@bii.org</p>	<p>SIA PO Box 49768 London. WC1 V6WY</p> <p>Website: www.the-sia.org.uk</p> <p>Tel: 0844 892 1025</p>

Appendix F

Recommended delegation of functions as per S182 of the guidance

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/ club premises certificate		If a relevant representation	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/ club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases	
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

Proposed text for inclusion in Tonbridge and Malling Statement of Licensing Policy 2025 – 2030.

SPIKING AWARENESS – “ASK FOR ANGELA”

People’s safety in the nighttime economy is continually highlighted in the press, media and social media coverage

Details of training material can be found at [Home - Ask For Angela](#)

Safety measures to put in place

- Premises should train staff about the “Ask Angela Scheme” and drug awareness, including the effects of Psychoactive substances where the chemicals affect brain function.
- Premises staff should encourage customers to ensure their drinks are not left unattended
- Use of publicity material to ensure customers remain vigilant (posters)
- The Council expects that when a trained member of staff hears the code phrase they should understand that the person needs support and will be able to respond in an appropriate, **discreet way**. This could be offering them an alternative way out of the venue, calling them a taxi or in a more serious situation, altering venue security and/or the Police.

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ESTABLISHMENT REPORT

Item GP 25/24 referred from General Purposes Committee of 11 June 2025

(Reason: LGA 1972 – Sch 12A Paragraph 1 – Information relating to an individual)

The report set out for Members' approval a number of establishment changes recommended by Management Team. Members noted that, in accordance with adopted conventions, all of the savings/costs referred to in the report reflected the salary at the top of the scale/grade plus associated on costs.

RECOMMENDED*: That

- (1) Post DV0723, Housing Solutions Manager, be regraded from Grade M7 to M6 with effect from 9 July 2025;
- (2) Post DV0731, Housing Allocations Team Leader, be regraded from Scale 5/6 to SO with effect from 9 July 2025;
- (3) Posts DV0726 and DV0745, Housing Allocations Officers, be regraded from Scale 3 and 3/4 respectively to Scale 5/6 with effect from 9 July 2025;
- (4) the hours of post DR0016, Contracts and Procurement Lawyer, be increased from 21 to 37 hours per week with effect from 9 July 2025; and
- (5) Post DE0107, Resilience Officer, be regraded from Scale SO to Grade M9 and the hours of the post be increased from 15 to 29.6 hours per week with effect from 9 July 2025.

***Recommended to Council**

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Council

08 July 2025

Part 1 - Public

Matters for Decision



Cabinet Member

Cllr M Boughton, Leader

Responsible Officer

Adrian Stanfield, Director of Central Services & Monitoring Officer

Report Author

Allison Parris, Principal Democratic Services Officer

Appointments to Outside Bodies

1 Summary and Purpose of Report

- 1.1 The statutory annual meeting of Council held on 13 May 2025 made a number of appointments to outside bodies. Subsequent to this meeting a number of changes to the Outside Bodies Schedule are recommended.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Representatives are appointed to outside bodies on an annual and non-annual basis to express the views of the Borough Council to those bodies on the work undertaken. There is also the opportunity to receive feedback on any issues emerging from those bodies that relate to the Council activities.

3 Recommendations

- 3.1 That the Southern Water Local Authorities Stakeholder Group be added to the Schedule of Outside Bodies for annual appointments for the reasons set out in 5.2 of the report;
- 3.2 That Cllr D King be the Borough Council's appointment to the Southern Water Local Authorities Stakeholder Group with immediate effect;
- 3.3 That Cllr L Chapman be the Borough Council's appointment to the PATROL.

4 Introduction and Background

- 4.1 Following the meeting of Annual Council, the Borough Council were advised that the Parking and Traffic Regulations Outside London (PATROL) Adjudication Joint

Committee were moving to in-person meetings in London. This was no longer convenient for the appointed Cllrs.

- 4.2 It was also suggested that the Southern Water Local Authority Stakeholder Group be considered as an addition to the Outside Bodies Schedule.

5 Proposal

5.1 Appointments to PATROL

- 5.1.1 It was proposed that Cllr L Chapman be appointed as the Borough Council representative to the PATROL Joint Committee with immediate effect.

- 5.1.2 Cllr Chapman has indicated a willingness to accept this appointment.

5.2 Southern Water Local Authorities Stakeholder Group

- 5.2.1 Wealden District Council co-ordinates the Southern Water Local Authority Stakeholder Group which includes representatives from more than 20 councils across the southeast.

- 5.2.2 Its main objective is to act as a platform for local authorities to come together across political party lines, to hold Southern Water (and their regulators) to account for the poor quality of waterways and coastline.

- 5.2.3 It was set up in the aftermath of a catalogue of issues including flooding, sewage seeping into people's homes, gardens and roads, the ongoing problem of discharges into rivers and waterways and the inability to deal with additional development.

- 5.2.4 Various meetings have taken place since the Group's inception (some of which have included special speakers from Southern Water, the Environment Agency and most recently OFWAT) which have all been well received and continue to be ongoing.

- 5.2.5 Further information is available on the Wealden District Council website <https://www.wealden.gov.uk/southern-water-stakeholder-group/>

- 5.2.6 Cllr D Davis has previously attended this Group on an informal basis as the Chair of Housing and Planning Scrutiny Committee.

- 5.2.7 It is proposed that this arrangement be formalised by adding the Stakeholder Group to the Borough Council's schedule of Outside Bodies for annual appointments and that Cllr D King be appointed as the representative for Tonbridge and Malling as the current Chair of the Housing and Planning Scrutiny Select Committee.

6 Other Options

6.1 There are no other options to present.

7 Financial and Value for Money Considerations

7.1 Whilst there are no direct financial implications arising from this report it should be noted that there might be some minor expenditure related to mileage and other claims for expenses.

8 Risk Assessment

8.1 Proper and appropriate political representation is key to good governance and decision making. Appointments to outside bodies encourages greater discussion and collaboration.

9 Legal Implications

9.1 There are no significant legal implications arising from the proposals in this report.

10 Consultation and Communications

10.1 The organisations will be contacted as soon as possible following Annual Council and informed which councillor will be their outside body representative.

11 Implementation

11.1 If agreed the appointments will come into immediate effect.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 Limited or low impact on emissions and environment.

12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

12.3 Other If Relevant

- None

Background Papers	https://www.wealden.gov.uk/southern-water-stakeholder-group/
Annexes	None

Council

08 July 2025

Part 1 - Public

Matters for Decision



Cabinet Member	n/a
Responsible Officer	Adrian Stanfield, Monitoring Officer
Report Author	Adrian Stanfield, Monitoring Officer

Changes to the Constitution

Summary and Purpose of Report

- 1.1 This report recommends that changes are made to the following parts of the constitution
 - (a) The Overview and Scrutiny Procedure Rules – the proposed amendments provide clarity around the order in which the Vice-Chairs will preside in the event that the Chair of the Committee is absent.
 - (b) The Rules for decision making during a period of serious and unexpected disruption – the proposed amendments remove an anomaly within the Rules relating to the process to be followed in the event that the Chair of the Overview and Scrutiny Committee is unable to act.
 - (c) The rules for public speaking in respect of planning applications – the proposed amendments provide for a maximum number of public speakers on each application.
 - (d) Rule 15.24 of the Committee Procedure Rules – it is proposed that this provision (which allows for 3 members of a committee to refer a planning application to full Council for determination) be removed.
- 1.2 The report also asks Members to note changes I have made to the constitution to reflect the structural changes agreed by the General Purposes Committee upon the retirement of the Director of Finance and Transformation.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.

- 2.2 The proposals in this paper will contribute to the above priority area by ensuring that decisions are taken by Members in the most efficient and equitable way.

3 Recommendations

Members are requested to:-

- 3.1 Note the changes to the constitution to address the deletion of the post of Director of Finance and Transformation following the retirement of the current postholder and creation of the new post of Head of Finance and Section 151 Officer. These changes will be effective from 28 July 2025.
- 3.2 Agree to the changes to the Overview and Scrutiny Procedure Rules at Part 4 of the Constitution.
- 3.3 Agree to the changes to the rules for decision making during a period of serious and unexpected disruption at Part 7 of the Constitution.
- 3.4 Agree to the changes to the rules for public speaking in respect of planning applications at Part 4 of the Constitution.
- 3.5 Agree to the deletion of Rule 15.24 of the Committee Procedure Rules at Part 4 of the Constitution.

An amended version of the Constitution, with tracked changes is attached as **Annex 1**.

4 Introduction and Background

Changes to operational arrangements

- 4.1 Members will be aware that Sharon Shelton, Director of Finance and Transformation is due to retire from the Council on 31 August, with her last working day being 25 July 2025. On 12 May 2025 the General Purposes Committee agreed to delete the post of Director of Finance and Transformation with effect from 1 September and create a new post of Head of Finance and Section 151 Officer.
- 4.2 The changes agreed by the General Purposes Committee necessitate various changes to the Constitution to reflect the new structure. Under Article 10.03 (a) and (b) I am authorised to make any necessary changes to the Constitution to give effect to any decision of Council, the Executive or a Committee or consequential upon changes to operational arrangements. Members are nevertheless requested to note the (tracked) changes at **Annex 1**. These changes will become effective from 28 July 2025.

Overview and Scrutiny Procedure Rules

- 4.3 The Constitution provides for the appointment of 2 Vice-Chairs for the Overview and Scrutiny Committee. The Chair of the Committee shall be the Leader of the largest minority opposition group, currently the Liberal Democrats. One Vice-Chair will be a member of a political party which is not the political party of the Chair, currently the Green Party. At least one of the Vice-Chairs will be a member of the party forming the executive, so the remaining Vice-Chair is currently held by a member of the Conservative Party.
- 4.4 It is presently unclear which vice-chair will assume the role of Chair in the event that the appointed Chair is absent from the meeting. In order to remove this uncertainty, I have made certain amendments to the Overview and Scrutiny Procedure Rules at Part 4 of the Constitution.
- 4.5 The amendments provide as follows:-
- (a) The First Vice-Chair will be a member of a party forming the executive. The reference to 'a party' rather than 'the party' accommodates the scenario where 2 or more parties form the executive.
 - (b) The Second Vice-Chair will be a member of a political party which is neither the political party of the Chair nor a political party forming the executive.
 - (c) In the event that the Chair is absent from a meeting of the Committee, the First Vice-Chair shall preside at the meeting. If both the Chair and First Vice-Chair are absent then the Second Vice-Chair shall preside.
- 4.6 The proposed amendments are set out at paragraph 6 of the Overview and Scrutiny Procedure Rules at Part 4 of the Constitution at **Annex 1**.

Rules for decision making during a period of serious and unexpected disruption

- 4.7 The existing rules (at Part 7 of the Constitution) allow for decisions to be made in an emergency i.e. under the Civil Contingencies Act 2004 or otherwise during a period of serious and/ or unexpected disruption to the conduct of Council business.
- 4.8 Where the rule applies, a decision may be taken, without the matter being put to Council, Cabinet or Committee (as relevant) if the decision maker obtains the agreement of the Chair of the Overview and Scrutiny Committee; or (if they are unable to act) the Mayor, Deputy Mayor and Political Group Leaders.
- 4.9 This raises a procedural difficulty where (as currently) the Chair of the Overview and Scrutiny Committee is also one of the political group leaders. In practical terms this could prevent a decision being taken under the emergency provisions.

- 4.10 In order to rectify this anomaly, I propose to amend the Rules so that a decision may be taken with the agreement of the Chair of the Overview & Scrutiny Committee or (if they are unable to act), the Mayor, Deputy Mayor and Political Group Leaders (other than the Political Group Leader who is the Chair of the Overview and Scrutiny Committee).
- 4.11 The proposed amendments are set out at paragraph 1.3 of Part 7 of Constitution at **Annex 1**.

Rules for public speaking at planning committees

- 4.12 The current public speaking rules in respect of planning applications may be summarised as follows:-
- Any person (or a representative of a Parish Council) who has made a written representation will be given the opportunity to speak at the relevant meeting of the Area Planning Committee. The applicant/ their agent will also be permitted to speak.
 - Any such person who wishes to take advantage of the opportunity to speak must register with the Democratic Services team no later than 5.00pm on the closest working day prior to the meeting.
 - Each speaker will be limited to 3 minutes for each application. Where there is more than one application for a site, for example an application for planning permission and listed building consent, the time allowed will be limited to 3 minutes for each application i.e. 6 minutes in total.
 - If the case is deferred for a site inspection or for a further report speakers will be permitted to speak again at a subsequent meeting.
- 4.13 The existing rules do not limit the number of people who may speak. In practice this can lead to an imbalance of speakers, usually in favour of those seeking to oppose a proposal for development. In a number of recent cases it has also led to an imbalance between the time spent on public speaking and that spent by Members in debating and determining the application.
- 4.14 Having considered the approaches of other authorities to the issue of public speaking, we believe that our rules are at variance with the significant majority of other Councils, both within Kent and more widely. More commonly Councils will allow for an equal number of speakers for and against an application to ensure that their approach is fair and equitable.
- 4.15 In the publication 'Probity in Planning', the Local Government Association & Planning Advisory Service provide the following guidance on public speaking:-

'Whether to allow public speaking at a planning committee or not is up to each local authority. Most local planning authorities do allow it and some authorities film

and broadcast committee meetings. As a result, public confidence is generally enhanced and direct lobbying may be reduced. The disadvantage is that it can make the meetings longer and sometimes harder to manage.

Where public speaking is allowed, clear protocols should be established about who is allowed to speak, including provisions for applicants, supporters, ward councillors, parish councils and third party objectors.

'In the interests of equity, the time allowed for presentations for and against the development should be the same, and those speaking should be asked to direct their presentation to reinforcing or amplifying representations already made to the local planning authority in writing.'

- 4.16 Commonly Councils allow for one speaker in favour of the application and one objector. If there are several persons wishing to speak (whether objectors or supporters) then the usual approach is to give preference to the first person who properly registers to speak. However, to provide some flexibility it is also common for the Democratic Services team to advise other people who wish to speak of the registered speaker (provided that person has provided consent to share their contact details) and, if that speaker is agreeable, then an alternative speaker can be put forward (provided that the alternative speaker has also made a written representation).
- 4.17 A number of Councils also allow for a representative of the relevant Parish Council to speak in addition to the other public speakers.
- 4.18 In order to bring the Borough Council's approach in line with common practice elsewhere, it is proposed to make the following changes to the public speaking rules at planning committees.

Parished areas

- 5 speakers will be permitted on each application, plus the applicant (or their agent) and a representative of the relevant Town or Parish Council in whose area the red line of the planning application is situated. In the event that the red line of the planning application straddles 2 Town/ Parish Council areas then representatives of both councils shall be permitted to speak.
- Any person who wishes to take advantage of the opportunity to speak must register with the Democratic Services team no later than 5.00pm on the closest working day prior to the meeting.
- Speaking rights will be allocated on a first come, first served basis.
- The order of speaking at Committee shall be as follows:
 - Nominated Town or Parish Council representative for the area in which the red line of the planning application is situated

- 5 public speakers
- Applicant or agent

Unparished areas

- 6 speakers will be permitted to speak on each application, plus the applicant (or their agent).
- The process for registration and allocation of speaking rights will be as per parished areas
- The order of speaking at Committee shall be as follows:
 - 6 public speakers
 - Applicant or agent

Speaking time

- Each public speaker will be allowed a maximum of 3 minutes. No additional time will be permitted in the event that there is more than one application for a site e.g., an application for planning consent with an accompanying application for listed building consent.

Deferrals

- If an application is deferred for a report from the Director of Central Services & Deputy Chief Executive under Rule 15.25 of the Committee Procedure Rules then public speaking will not be permitted at future meetings of the Area Planning Committee or full Council at which the application is considered.
- If an application is deferred for reasons other than a report under Rule 15.25 of the Committee Procedure Rules then public speaking will be permitted at future meetings of the Area Planning Committee at which the application is considered.

4.19 The proposed amendments to the rules are set out in Annex 1.

Committee Procedure Rules

4.20 Paragraph 15.24 of the Committee Procedure Rules provides as follows:-

‘If, during discussion at an Area Planning Committee of an item of business and before the vote is taken, not less than three members of the Council require it, the item shall instead be referred direct to the Council for decision.’

- 4.21 Elsewhere in the constitution (paragraph 15.25), provision is made for certain planning applications to be determined by full Council where an Area Planning Committee resolves to determine an application contrary to the advice of the Director of Central Services & Deputy Chief Executive i.e. where the advice indicates that there is likely to be a risk of significant costs awarded against the Council at appeal, or a potential liability to pay compensation.
- 4.22 Whilst the latter of these rules provides a sensible opportunity for members to reflect on a decision which might expose the Council to a risk of costs, the provisions of paragraph 15.24 are subject to no qualification relating to the proposed decision; rather they simply allow for 3 members of an Area Planning Committee to require that the matter be referred to full Council. Without good reason, the provisions of this paragraph may therefore be considered disproportionate and may indeed be employed to circumvent the powers delegated to Area Planning Committees. It is therefore proposed that paragraph 15.24 be removed.

5 Other Options

- 5.1 In respect of rules for public speaking at planning committees, the other options considered were:-
- Make no changes to the existing rules
 - Amend the rules so as to allow for a greater number of public speakers
- 5.2 In light of the comments made in paragraphs 4.3 to 4.5, it is not considered that the rules should remain unaltered, or that a greater number of public speakers should be permitted.

6 Financial and Value for Money Considerations

- 6.1 None arising from the proposals in this paper.

7 Risk Assessment

- 7.1 In respect of the rules for speaking at planning committees, the proposed amendments will bring the Council's rules for public speaking in line with recommended good practice as set out in the LGA/Planning Advisory Service guidance and will reduce the risk of any challenge to the determination of planning applications.

8 Legal Implications

- 8.1 Article 10 of the Constitution sets out the procedure for review and revision of the Constitution. Except in specified circumstances, changes to the Constitution may only be approved by full Council after consideration of a report on the proposal from the Council's Monitoring Officer.

9 Consultation and Communications

- 9.1 If agreed, the amended rules in respect of public speaking at planning committees will be brought to the attention of applicants/ agents, Parish Councils and those parties making written representations.
- 9.2 The amended constitution will be published on the Council's website.

10 Implementation

- 10.1 The changes relating to the deletion of the post of Director of Finance and Transformation upon the retirement of the current postholder and the creation of the new post of Head of Finance and s151 Officer will be implemented with effect from 28 July 2025.
- 10.2 If agreed, the changes to the rules for public speaking at planning committees will be implemented with effect from the date of the next Area 1 Planning Committee on 31 July. In practical terms this will mean that the changes will take effect from publication of the agenda for that Committee meeting, which will occur on 23 July 2025, as this is the date that potential speakers will be notified of their right to register to speak.
- 10.3 For clarity it is not proposed that the changes would apply to the meeting of the Area 3 Committee on 10 July 2025.
- 10.4 The changes will be notified to Parish/ Town Councils and applicants, agents and residents (via the Council's website).
- 10.5 It is proposed that the remaining changes set out in this report will be implemented immediately.

11 Cross Cutting Issues

- 11.1 Climate Change and Biodiversity
 - 11.1.1 Limited or low impact on emissions and environment.
 - 11.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.
- 11.2 Equalities and Diversity
 - 11.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Background Papers	LGA/ Planning Advisory Service guidance – Probity in Planning
Annexes	Annex 1 – Revised constitution (with tracked changes)

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TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: The Leader	Decision Number: D250045MEM
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Date: 3 June 2025

Decision(s) and Reason(s)
CHANGE TO CABINET PORTFOLIOS
<p>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 may amend the Scheme of Delegation relating to executive functions at any time during the year.</p> <p>Following Annual Council in May 2025 and a revised Cabinet, portfolio responsibilities were reviewed to ensure effective decision making continued.</p> <p>Notice of this change has been given to the Chief Executive and to members of the Executive.</p> <p>RESOLVED: That the revised Cabinet Member portfolios, (attached at Annex 1) be approved with immediate effect.</p>
<p>Reasons for decision:</p> <p>To ensure the effective management of decisions delegated to the executive.</p>

Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	4 June 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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PORTFOLIOS OF CABINET MEMBERS

Cabinet Member for Community Services

- Events
- Community Workers
- Community Safety Partnership
- Diversity, Equality and Inclusion
- Safeguarding
- Indoor Leisure
- Outdoor Leisure
- Public Open Spaces
- Tonbridge Castle
- Customer Services
- Voluntary Sector Liaison
- Community Grant Schemes
- Complaints Policy

Cabinet Member for Planning

- Development Management
- Planning Enforcement
- Planning Policy
- Local Plan
- Conservation and Heritage

Cabinet Member for Finance, Waste and Technical Services

- Financial Strategy
- Revenues and Benefits
- Council tax and Business Rates collection
- Procurement
- IT and Transformation
- Information governance
- Waste Contract
- Recycling
- Litter
- Street cleansing
- Graffiti Removal
- Abandoned Cars
- Bin collections
- Parking Action Plan
- Parking Policy
- Parking Enforcement
- Parking Reviews
- On-Street Parking
- Traffic Regulation Orders
- Technical Services

Cabinet Member for Housing, Environment and Economy
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- | |
|--|
| <ul style="list-style-type: none"> - Environmental Health - Food and Safety - Air Quality - Control of dogs (inc. dog warden) - Pest Control - Health including 'One You' team - Housing Strategy - Housing Allocations - Housing Register - Housing Improvement - Housing Standards - Housing Assistance schemes - Empty Homes - Caravan site licensing - Houses in Multiple Occupation - Trees on Council owned land - Climate Change - Business Engagement - Economic Regeneration - Inward Investment - Property leases, acquisitions and disposals |
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Cabinet Member for Infrastructure and Tonbridge Regeneration

- | |
|---|
| <ul style="list-style-type: none"> - Redevelopment within Tonbridge Town Centre - Tonbridge Farm - Section 106 agreements - Active Travel Strategy - Public transport - Highway improvement and traffic management schemes - Drainage control and flood prevention - Emergency Planning - Building Control |
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Agenda Item 18

To receive and note the Minutes of meetings of Cabinet and Committees as set out in the Minute Book (attached as a supplement).

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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of the Local Government Act 1972.

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