

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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**Chief Executive**  
Damian Roberts

Gibson Building  
Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ  
West Malling (01732) 844522

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To: MEMBERS OF THE COUNCIL

Dear Sir/Madam

I hereby summon you to attend the Annual meeting of the Tonbridge and Malling Borough Council which will be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 12th May, 2026 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. Election of Mayor  
To elect the Mayor for the municipal year 2026/27.
3. Election of Deputy Mayor  
To elect the Deputy Mayor for the municipal year 2026/27.
4. Vote of thanks to Retiring Mayor  
To propose a vote of thanks to the outgoing Mayor.
5. Apologies for absence 9 - 10
6. Declarations of interest  
To declare any interests in respect of recommended items.
7. Minutes 11 - 20  
To confirm as a correct record the Minutes of the meeting of Council held on 21 April 2026.

8. Mayor's Announcements 21 - 22

**Matters for Decision**

9. Changes to the Constitution - Implementation of Planning Committee Reforms under the Planning and Infrastructure Act 2025 23 - 100

This report recommends a number of changes to the Constitution to support the implementation of reforms under the Planning and Infrastructure Act 2025, including the creation of a single Planning Committee.

10. Political Balance Arrangements for Committees 101 - 108

To determine the political balance arrangements for the Council's committees.

11. Appointment of Cabinet 109 - 112

To note the Leader's appointments to the Cabinet and the portfolios they will hold.

Details of appointments will be set out on Annex 1 and circulated in advance of the meeting.

12. Appointment of Committees 113 - 116

To consider the establishment and composition of the Committees of the Council and their sub-committees for the municipal year.

Details of nominations will be set out on Annex 2 and circulated in advance of the meeting.

13. Appointment of Scrutiny Select Committees, Panels and Other Member Groups 117 - 120

To appoint Scrutiny Select Committees, Advisory Panels and Other Member Groups for the municipal year.

Details of nominations will be set out on Annex 3 and circulated in advance of the meeting.

14. Appointment of Chair and Vice-Chair 121 - 124

To appoint the Chair and Vice-Chair of each Committee.

Details of nominations will be set out on Annex 4 and circulated in advance of the meeting.

15. Appointments to Outside Bodies 125 - 128
- To appoint representatives to serve on outside bodies.
- Details of nominations will be set out on Annex 5 and circulated in advance of the meeting.
16. Appointment of Substitute Members 129 - 132
- To appoint substitute Members to attend specific meetings in the absence of the ordinary Member.
- Details of nominations will be set out on Annex 6 and circulated in advance of the meeting.
17. Scheme of Delegations 133 - 136
- Members are invited to confirm the Scheme of Delegations in compliance with the Constitution.
18. Programme of Meetings 2026-28 137 - 148
- The programme of meetings for the municipal year 2026-2028 are attached for approval.
- Motion submitted under Council Procedure Rule 5.27**
19. 26/001 - Introduction of Article 4 Directions 149 - 150
- To consider a Notice of Motion proposed by Councillor A Cope, seconded by Cllr S Pilgrim on behalf of the Green Group.
- Matters for Information**
20. 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.

DAMIAN ROBERTS  
Chief Executive  
Friday, 1 May 2026

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## **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-ugSzxjAPfw/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](mailto: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@tmbc.gov.uk](mailto:committee.services@tmbc.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, 21st April, 2026

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 21st April, 2026

**Present:** His Worship the Mayor (Councillor C Brown), the Deputy Mayor (Councillor K B Tanner), Cllr L Athwal, 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 G C Bridge, Cllr R I B Cannon, Cllr L Chapman, Cllr J Clokey, Cllr A Cope, Cllr S Crisp, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr S M Hammond, 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 R W G Oliver, Cllr W E Palmer, Cllr S Pilgrim, Cllr B A Parry, Cllr M R Rhodes, Cllr R V Roud, Cllr Mrs M Tatton, Cllr M Taylor, Cllr D Thornewell, Cllr K S Tunstall and Cllr C J Williams

Apologies for absence were received from Councillors P Boxall, M A Coffin and Mrs A S Oakley.

#### PART 1 - PUBLIC

##### **C 26/24 DECLARATIONS OF INTEREST**

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

##### **C 26/25 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the meeting of the Council held on 24 February 2026 be approved as a correct record and signed by the Mayor.

##### **C 26/26 MAYOR'S ANNOUNCEMENTS**

The Mayor advised of a number of engagements attended since the last meeting of Council and made particular reference to the following civic and charity events:

- Opening of the Premier Group Tonbridge
- Signing of the Armed Forces Covenant at the East Malling Centre
- Tonbridge School's Annual Community Concert

- Tonbridge Lions Charter Lunch
- Official Photograph of the Penultimate Year of Mayors & Chair at the Maidstone Museum Library
- East Malling's Singers Concert at St James the Great Church, East Malling
- HRH the Dutchess of Gloucester's Visit to Spadework in Offham
- Tonbridge & District Scouts and Guides St George's Day Parade
- Tour and Afternoon Tea at Tonbridge School

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

- Cheque Presentation to Mayoral charities – details to be confirmed
- Annual Council – 12 May 2026

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

**C 26/27 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5**

No questions were received from Members pursuant to Council Procedure Rule No 5.5.

**C 26/28 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6**

A question was received from a member of the public pursuant to Council Procedure Rule No 5.6 and related to archaeological concerns at proposed development sites in Snodland.

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

**C 26/29 LEADER'S ANNOUNCEMENTS**

The Leader opened by congratulating Cllr C Williams on his recent fundraising bike ride from Red Hill to Rochester Airport in aid of the Kent, Surrey and Sussex Air Ambulance, which had raised £5,400. The fundraising efforts over the last four years had reached £68,000.

Attention was drawn to the current position regarding water supply which had implications for planning application decisions and the Borough Council's Local Plan whilst concerns were addressed. The Leader was

pleased to report that he had attended a meeting with the Department for Environment, Food and Rural Affairs (DEFRA) as part of the Water Delivery Task Force. This meeting between senior leaders from the water industry and various organisations had been productive and there was widespread recognition that the challenges being faced carried national significance and that substantial investment in water infrastructure would be necessary.

Solutions for immediate issues related to planning applications and progressing the Local Plan would be discussed with the Ministry for Housing, Communities and Local Government Planning Minister in the upcoming week as it was vital that development opportunities were progressed to support investment, jobs and economic growth.

Reference was made to the potential development of a new Costco in Aylesford and a public exhibition was arranged for Tuesday 28 April 2026 at the Capel Morris Centre at the Royal British Veterans Enterprise Village to provide more detail on the proposals.

The latest Job Fairs would take place at the Angel Centre on Wednesday 29 April 2026, starting at 1000 am. This was a good opportunity to look at employment options and a number of local employers would be attending this event.

Additional employment had been created in Tonbridge with the expansion of the Sainsbury's store into the vacant Beales units. Creating and supporting investment in the town had been a priority for the Borough Council.

The strength of the Borough's local economy was also on display at the recent West Kent Expo. This was an annual event hosted by the Borough Council in the River Centre in Tonbridge for the last three years and demonstrated the enterprise and ambition that existed across West Kent.

A brief update was provided on Local Government Reorganisation and the Borough Council's preference remained a West Kent unitary authority alongside Maidstone, Sevenoaks and Tunbridge Wells as this represented the strongest option for local communities. The Government consultation had now closed and a decision was expected in July.

Finally, the Leader referenced the Government's Asylum Dispersal Programme over which the Borough Council had no control and concerns around the impact on local housing and services in Tonbridge and Malling.

Full Leaders announcements were available on the Borough Council's [YouTube channel](#).

**C 26/30 MOTION WITHOUT NOTICE**

In order to facilitate the proper consideration of the planning applications at agenda items 9-12, and in accordance with the Council Procedure Rules, the Mayor proposed that the Council should suspend its own procedure rules and resolve itself into a committee to which rules relating to a planning committee were applied. Once these matters had been resolved the Council Procedure Rules would be reapplied. This was seconded by Cllr Boughton and

**RESOLVED:** That for agenda items 9 -12 Council Procedure Rules should be suspended and the Council resolve itself into a committee to which rules relating to a planning committee were applied.

**MATTERS FOR DECISION AS A PLANNING COMMITTEE**

**C 26/31 25/00855/FL - 49 HALLSFIELD ROAD, CHATHAM**

Consideration was given to the report of the Director of Planning, Housing and Regulatory Services in relation to a ground floor rear extension and retrospective change of use from use class C3 residential dwelling to C2 residential institution designed to provide accommodation and personal care for up to five individuals at 49 Hallsfield Road, Chatham, ME5 9RS

The application had been deferred for determination by the Council in accordance with Council Procedure Rule 15.24 following consideration by the Area 3 Planning Committee on 29 January 2026.

In reaching its decision, the Council had regard to the reports considered by the Area 3 Planning Committee on 29 January 2026 and 11 December 2025, including the report of the Director of Central Services and Monitoring officer which contained exempt information in accordance with LGA 1972 Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Subsequent to previous consideration changes had occurred at the site, including the installation of a front driveway. To address this change updated drawings had been provided and revised conditions were set out in the supplementary report of the Director of Planning, Housing and Regulatory Services.

Local Members were now satisfied that initial concerns had been addressed and expressed support for the new and amended conditions. Cllr Keers proposed, Cllr Boughton seconded and it was

**RESOLVED:** That planning permission be granted in accordance with the submitted details, conditions, reasons and informatives set out in the substantive and supplementary reports of the Director of Planning, Housing and Regulatory Services.

**C 26/32     25/01509/FL - ALLENS OAST, 4B OLD ROAD, EAST PECKHAM, TONBRIDGE**

Consideration was given to the report of the Director of Planning, Housing and Regulatory Services in relation to the retrospective erection of a summerhouse at Allens Oast, 4B Old Road, East Peckham, Tonbridge TN12 5ER

The application had been adjourned for determination by the Council in accordance with Council Procedure Rule 15.24 following consideration by the Area 2 Planning Committee on 18 February 2026.

In reaching its decision, the Council had regard to the reports considered by the Area 2 Planning Committee on 18 February and 14 January 2026 including the report of the Director of Central Services and Monitoring officer which contained exempt information in accordance with LGA 1972 Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Local Members reiterated concerns regarding the impact of the proposal on the Grade II listed building, wider heritage impacts and landscaping. Cllr Boughton proposed and Cllr Hudson seconded that retrospective planning permission be refused for the following reason:

- (1) That the unauthorised erection for a summerhouse outbuilding with flat roofed projection further towards the Grade 2 Listed Building at Strettitt Place was contrary to Policies CP24 (design), S66 of the Planning (Listed Building and Conservations Areas) Act 1990 and 213A of the NPPF and created additional; harm to the setting of the historic asset.

Following a formal vote, the proposal was lost with 27 Members voting against the motion to refuse and 14 Members voting in favour.

Cllr Thornewell proposed, Cllr Clokey seconded and following a formal vote it was

**RESOLVED:** That planning permission be granted in accordance with the submitted details, conditions, reasons and informatives detailed in the report of the Director of Planning, Housing and Regulatory Services.

**C 26/33 25/01693/PIP - LAND WEST OF 103 TONBRIDGE ROAD, HILDENBOROUGH, TONBRIDGE**

Consideration was given to the report of the Director of Planning, Housing and Regulatory Services in relation to a Permission in Principle for the development of between 5-7 residential dwellings as set out in Schedule 1 of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) located on land at Tonbridge Road, Hildenborough.

The application had been deferred for determination by the Council in accordance with Council Procedure Rule 15.24 following consideration by the Area 1 Planning Committee on 26 March 2026.

In reaching its decision, the Council had regard to the reports considered by the Area 1 Planning Committee on 26 March and 12 February 2026, including the report of the Director of Central Services and Monitoring officer which contained exempt information in accordance with LGA 1972 Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Local Members reiterated concerns in respect of the potential harm of the proposed development to the Conservation Area and the designated heritage asset. Cllr Rhodes proposed, Cllr Barton seconded and following a formal vote it was

**RESOLVED:** That permission in principle be refused for the following reasons:

- (1) The principle of residential development at this location would result in a harmful erosion of the open setting of the Conservation Area, which contributes positively to its character. The public benefits of 5 – 7 houses would not outweigh this harm and the proposal would also be detrimental to the visual amenity of the area, conflicting with policies CP24 of the TMBC Core Strategy, SQ1 of the Manging Development and the Environment Development Plan document, and paragraphs 210, 212, 213 and 215 of the National Planning Policy Framework; and
- (2) The principle of residential development at this location would result in conflict with footnote 7 policies relating to a designated heritage asset, and is therefore considered to be a strong reason for refusing development, due to the modest public benefits of 5 – 7 houses not outweighing the harm to the setting of the Conservation Area. The development would therefore not meet the definition of Grey Belt and would not comply with paragraph 155 of the National Planning Policy Framework. It would therefore be considered inappropriate development in the Green Belt in conflict with policies CP3 of the TMBC Core Strategy, and

paragraphs 153 and 154 of the National Planning Policy Framework.

**C 26/34 26/00223/DR3 - POULT WOOD GOLF COURSE, HIGHAM LANE, TONBRIDGE**

Consideration was given to a proposal to grant planning permission for the installation of 3 external air source heat pumps at Poulton Wood Golf Course, Higham Lane, Tonbridge. These would replace an existing fossil fuel boiler to provide heating and hot water to the Golf Club and would be enclosed by brown louvred screening standing 3m in height.

The proposal would help address the Borough Council's commitment to reducing emissions from energy consumption in all of its buildings and ensured that climate change was a recognised commitment within the Corporate Strategy. This proposal would replace the existing gas fired boilers with air source heat pumps which produced zero emissions at source. Accordingly, the proposed development would be a benefit in terms of reducing the Borough Council's carbon (and other) emissions and compliant with the Climate Change Strategy.

In recognition that the proposal supported the reduction of carbon and other emissions, Cllr Brown proposed, Cllr Palmer seconded and it was

**RESOLVED:** That planning permission be granted in accordance with the conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Regulatory Services

**MATTERS FOR DECISION**

**C 26/35 PROGRAMME OF MEETINGS 2026/27 AND 2027/28**

The proposed programme of meetings for the municipal years 2026-27 and 2027-28 were presented for consideration and were attached at Annexes 1 and 2 respectively. Management Team, Senior Officers and Cabinet Members had been consulted on the proposed dates. Subject to any amendments identified by Members the programmes would be presented to Annual Council for endorsement.

There had been a number of changes to the programme previously agreed in 2025 and these amendments were detailed in paragraph 5.1.2 of the report.

The report provided details in respect of the budget setting cycle for 2027, reminded that there were a number of significant projects to be considered by the Council during 2026/27 which might have implications for the meeting programme and explained that, under the current Local Government Reorganisation timetable, a programme of meetings post April 2028 was not required as Tonbridge and Malling Borough would

cease to exist from 1 April 2028 and a new unitary authority would be established.

In recognition that the programme of meetings supported an efficient and effective service by ensuring that the Borough Council had the ability to take decisions in a timely manner, Cllr Boughton proposed, Cllr Betts seconded and it was

**RESOLVED:** That

- (1) the Programme of Meetings for 2026-27 (as set out in revised Annex 1) be approved and presented to Annual Council for formal endorsement; and
- (2) the draft Programme of Meetings for 2027-28(as set out in revised Annex 2) be agreed, subject to final approval at Annual Council in May 2026.

**C 26/36 CHANGES TO THE CONSTITUTION - FINANCIAL PROCEDURE RULES**

The report of the Head of Finance recommended a number of changes to the Financial Procedure Rules (FPR) as set out in Part 4 (Rules) of the Constitution.

A tracked change version of the FPRs was attached at Annex 1 and the changes related to banking arrangements, corporate credit cards, financial planning and control, virements, underspending and overspending, supplementary estimates, income, fees and charges, writing off debts, insurance and risk management, inventories, orders for goods and services, payment of invoices, financial management of contracts and Medium Term Financial Strategy and Savings and Transformation Strategy. A precis of the changes proposed was set out in Section 5 of the report.

In recognition that the Finance, Regeneration and Property Scrutiny Select Committee should have the opportunity to review the proposed changes in detail, Cllr Boughton proposed, Cllr Betts seconded and it was

**RESOLVED:** That

- (1) the changes to the Financial Procedure Rules, as summarised in section 5 of the report and shown in Annex 1, be referred to the Finance, Regeneration and Property Scrutiny Select Committee for detailed review; and
- (2) the recommendations of the Finance, Regeneration and Property Scrutiny Select Committee be presented to a future meeting of Council

[Prior to the vote, it was clarified that funding of the establishment changes agreed at General Purposes Committee on 11 March 2026 would not be adversely affected by delaying the request to agree a virement for funds exceeding £100,000 arising from the referral of the matter to the Finance, Regeneration and Property Scrutiny Select Committee.]

**C 26/37 RESULTS OF CONSULTATION ON STREET TRADING POLICY RENEWAL**

Consideration was given to the recommendations of the Licensing and Appeals Committee of 25 March 2026 in respect of adopting the Street Trading Policy (attached at Annex 1).

Due regard was given to the views of the Committee, the financial and value for money considerations and in recognition of ensuring that all licensable activities taking place within the Borough were granted the appropriate permissions under the relevant legislation, Cllr Tunstall proposed, Cllr Williams seconded and it was

**RESOLVED:** That the Street Trading Policy (attached at Annex 1) be adopted.

**C 26/38 SOUTH WEST KENT WASTE SERVICES CONTRACT RETENDER**

Consideration was given to the recommendations of Cabinet of 7 April 2026 in respect of the refuse, recycling and street cleansing contract and proposals for retendering the contract on a partnership basis with Tunbridge Wells Borough Council.

Due regard was given to the views of the Communities and Environment Scrutiny Select Committee of 4 March 2026, the financial and value for money considerations, the legal implications and the assessment of risk.

Taking into consideration, the final tender scores detailed in the restricted Annex 2, Cllr Boughton proposed, Cllr Hudson seconded and it was

**RESOLVED:** That

- (1) contractor A, identified in the restricted Annex 2, be awarded the South West Kent Waste Services Contract as detailed in the report; and
- (2) a further report setting out proposals relating to the options for the financing of vehicles deployed on the contract, costs relating to the cleansing of High Speed Roads and costs associated with the cleansing of a number of Public Open Spaces, be presented to

the Communities and Environment Scrutiny Select Committee for consideration as soon as possible.

**C 26/39 ANNUAL REPORT OF CHAIR**

Consideration was given to the recommendations of the Audit Committee of 13 April 2026 in respect of the Audit Committee Annual Report.

In recognition that the Annual Report provided a commentary on how the Audit Committee contributed towards ensuring an effective council, Cllr Cannon proposed, Cllr Lark seconded and it was

**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 FOR INFORMATION**

**C 26/40 MINUTES OF CABINET AND COMMITTEES**

The Minutes of meetings of the Cabinet and Committees for the period February to March 2026 set out in the Minute Book (Volume 1) attached as a supplement, were received and noted.

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

**C 26/41 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.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**C 26/42 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.20 pm

Mayor's Announcements

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## Council

12 May 2026

## 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 – implementation of Planning Committee reforms under the Planning and Infrastructure Act 2025

### 1 Summary and Purpose of Report

- 1.1 This report recommends that changes are made to the Constitution to create a single Planning Committee in place of the existing 3 Area Planning Committees.
- 1.2 In addition to a number of consequential changes to the Constitution that arise out of the proposed creation of a single planning committee, the report also recommends changes to
  - (a) Rule 15.24 (which deals with the deferral of a planning application for the relevant Area Planning Committee to receive a report from the Monitoring Officer on the possibility of costs or compensation being awarded against the Council in the event that the application is determined in the way proposed by the Committee);
  - (b) Paragraph E8.7 of Protocol E to the Constitution (Members' Planning Code of Good Practice), to require that planning applications submitted by the Council are to be determined by the Planning Committee.

### 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 planning applications are determined in the most efficient and equitable way.

### 3 Recommendations

- 3.1 Members are requested to

- a) agree to the creation of a Planning Committee, comprised of 13 Members and politically balanced;
- b) agree to the deletion of the 3 Area Planning Committees;
- c) agree to the consequential changes to the Constitution as set out at paragraphs 4.10 of this report and at Annex 1;
- d) agree to the amendments to Rule 15.24 of the Council and Committee Procedure Rules set out at paragraphs 4.14 to 4.16 of this report and at Annex 1;
- e) agree to the amendments to the Members' Planning Code of Good Practice set out at paragraphs 4.17 to 4.18 of this report and at Annex 1.

#### **4 Introduction and Background**

##### **Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026**

- 4.1 On 26 March 2026 the Government published a consultation on the draft regulations required to implement a national scheme of delegation and set a limit on the size of planning committees. Alongside the draft regulations the Government also consulted on the draft statutory guidance which local planning authorities must follow in implementing the final regulations. The consultation closed on 23 April 2026.
- 4.2 The consultation followed a previous consultation carried out in May 2025 seeking views on what detailed provisions should appear in the regulations.
- 4.3 The draft regulations set out the changes to the size of planning committees, proposing to set a maximum size limit of 13 members for a planning committee which reflects best practice highlighted during the previous consultation.
- 4.4 The draft regulations also set out the government's preferred two-tier approach to the determination of planning applications. Schedule 1 to the draft regulations sets out the types of application which must in all circumstances be delegated to officers. These include applications for planning permission for householder, minor residential and minor commercial development, as well as a number of supplementary and technical consents. Schedule 2 sets out the types of application which may be referred to a committee subject to the Gateway Tests which are set out in Regulation 5 and this requires agreement between the nominated member (e.g. the chair of the committee) and officer (usually the Chief Planner or equivalent), but which otherwise must be delegated to an officer. These include other applications for planning permission not in Schedule 1, variations of permissions, and special controls such as listed building and tree preservation order consents.

- 4.5 The government intends to bring the regulations into force on 30 September 2026.
- 4.6 The draft regulations can be viewed at [The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#).
- 4.7 In respect of the intention to impose a maximum size to planning committees, this will necessitate changes to our current approach of determining planning applications through the 3 Area Planning Committees, as all 3 Committees have more than 13 Members. The continuation of the existing approach will not therefore be possible.
- 4.8 It is not anticipated that the government will make any changes to the intended approach of limiting the size of planning committees as a result of the most recent consultation. On the assumption that the Borough Council will need to review its approach prior to 30 September 2026, this report proposes that the Council now moves to a single planning committee. Irrespective of the other intended changes proposed in the regulations, the move to a single planning committee can be actioned immediately as this is lawful under existing legislation.
- 4.9 It is not proposed to make any immediate changes to Part 3 of the Constitution (Responsibility for functions, Terms of Reference and the Scheme of Delegation) to give effect to the two-tier approach set out in the draft regulations, other than to replace any reference to the 3 Area Planning Committees with a reference to the Planning Committee. These will be addressed as soon as the regulations are finalised.
- 4.10 Certain consequential changes are also required in light of the proposed move to a single Planning Committee. These are: -
- Rule 15.25, which sets out the procedure that will be followed when an item of business relates to an area covered by more than one Area Planning Committee, will be deleted;
  - Part 3 of the Constitution (Terms of Reference for Area Planning Committees, Scheme of Delegation), the Council and Committee Procedure Rules and the Rules for Public Speaking at Planning Committees will be updated to replace any reference to Area Planning Committee or the relevant Planning Committee with a reference instead to the Planning Committee;
  - Protocol E to the Constitution (Members' Planning Code of Good Practice) will also be updated to replace any reference to Area Planning Committee or the relevant Planning Committee with a reference instead to the Planning Committee.
- 4.11 The political balance of the Council's committees will need to be reviewed. This is dealt with at Item 10 of the agenda.

- 4.12 The proposed amendments will ensure that the planning committee will be able to immediately discharge all of those functions previously undertaken by the Area Planning Committees.
- 4.13 Members are asked to note that any member of the Council who is not appointed to serve on the Planning Committee will retain their usual right to attend as set out in the Committee Procedure Rules.

**Rule 15.24**

- 4.14 Rule 15.24 of the Committee Procedure Rules currently provides as following:-

*'If, contrary to a recommendation of the Director of Planning, Housing & Environmental Health, an Area Planning Committee is minded to determine an application in a way or on grounds which the Director does not consider can be substantiated, a resolution by the committee to make such a determination will be a recommendation only and the application shall stand adjourned to the next meeting of the committee to enable the Director of Central Services and Monitoring Officer to submit a report on the possibility of costs or compensation being awarded against the Council in the event that the application is determined in that way.*

*If the Director of Central Services and Monitoring Officer's report indicates that there is likely to be a risk of significant costs being awarded against the Council at any appeal, or a potential liability to pay compensation, the committee may not determine the application in a manner contrary to the advice set out in the report, and a resolution by the committee to make such a determination will be a recommendation only and the application shall stand adjourned to Council for determination.'*

- 4.15 The proposed introduction of a single Planning Committee provides an opportunity to reconsider the approach taken where the committee is minded to reach a decision on an application contrary to the recommendation of the Director of Planning, Housing and Regulatory Services. It is common for Councils to include provision within their constitutions to require a pause where the Committee is minded to reach such a decision. This is an important safeguard to ensure that decisions are robust and will not put the Council at risk of an adverse costs award. However, it is unusual for provision to be made for a further deferral following consideration of a report from the Monitoring Officer explaining the full implications (including legal and cost implications) of proceeding with the proposed decision. Ordinarily the Committee will be invited to consider the report outlining the risks arising from the proposed decision and will then proceed to make a decision.
- 4.16 It is therefore proposed to amend Rule 15.24 as set out below:-

*'If, contrary to a recommendation of the Director of Planning, Housing & Regulatory Services, the Planning Committee is minded to determine an application in a way or on grounds which the Director does not consider can be substantiated, a resolution by the committee to make such a determination will be a recommendation only and the application shall stand adjourned to the next*

*meeting of the committee to enable the Director of Central Services and Deputy Chief Executive to submit a report on the possibility of costs or compensation being awarded against the Council in the event that the application is determined in that way.*

### **Members' Planning Code of Good Practice**

4.17 Paragraph E8.7 currently provides as follows:

*'Proposals for development submitted by the Council must be treated no differently to any other application.*

*To ensure that planning applications submitted by the Council are determined openly and transparently all applications for planning permission submitted by the Council will be determined by Full Council.'*

4.18 With the creation of a single, politically balanced Planning Committee, it is considered that the function of determining an application made by the Council can be discharged by that Committee rather than referring the matter to Full Council. It is therefore proposed to change paragraph 8.7 so that the reference to Full Council is substituted with a reference to the Planning Committee.

## **5 Other Options**

5.1 The other options considered were:-

- Make no changes to the existing rules

5.2 In light of the stated intention to bring the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 into force on 30 September 2026, the Council must ensure that its approach towards the determination of planning applications is compliant with the proposed changes by that date. All 3 the existing Area Planning Committees will exceed the proposed maximum committee size so the Council has no option but to consider a change in approach.

5.3 A further report to Full Council will be made once the regulations are finalised so that Part 3 of the Constitution (Responsibility for functions, Terms of Reference and the Scheme of Delegation) can be updated accordingly.

## **6 Financial and Value for Money Considerations**

6.1 The proposal to create a single planning committee and delete the existing 3 area planning committees will create a small reduction in the number of special responsibility allowances paid to Members.

## 7 Risk Assessment

- 7.1 The proposed creation of a single Planning Committee will ensure that the Council is able to comply with the proposals due to be implemented in the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. These regulations are currently in draft but are due to come into force on 30 September 2026.

## 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.
- 8.2 Upon coming into force, the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 will impose a limit on the size of a committee determining planning applications. The limit set out in the draft regulations is no more than 13 Members.

## 9 Consultation and Communications

- 9.1 If agreed, the amended Constitution would be published via mod.gov.

## 10 Implementation

- 10.1 If agreed, the changes will be implemented with immediate effect.
- 10.2 Any applications that currently stand deferred from an area planning committee will be reported to the new single planning committee for determination.

## 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	None
Annexes	Annex 1 – proposed amendments to Constitution

## RESPONSIBILITY FOR COUNCIL FUNCTIONS

### Committees – Membership and Terms of Reference

The Council may make arrangements under Section 101 of the Local Government Act 1972 for the discharge of any of its functions by:	
(a)	A committee;
(b)	A sub-committee;
(c)	A joint committee;
(d)	Another local authority;
(e)	An officer
The following functions will be the responsibility of the Council itself, but will be delegated to committees or sub-committees, as specified. A number of the functions set out here are further delegated to officers of the Council.	

<b>1.</b>	<b><del>Area Planning Committees</del></b>	
<b>Size and Membership:</b> <u>To consist of thirteen members and it shall be politically balanced.</u>		
<del>Area 1 Planning Committee</del>	<del>To consist of the members elected for the following wards:</del>  <del>Gage Green &amp; Angel; Higham; Hildenborough; Judd; Trench; and Vauxhall</del>  <del>(Total – 14 members)</del>	
<del>Area 2 Planning Committee</del>	<del>To consist of the members elected for the following wards:</del>  <del>Birling, Leybourne &amp; Ryarsh; Borough Green &amp; Platt; Bourne; East Peckham, West Peckham, Mereworth and Watlington; Kings Hill; East Malling, West Malling &amp; Offham; Pilgrims with Ightham</del>  <del>(Total – 16 members)</del>	

<del>Area 3 Planning Committee</del>	<p><del>To consist of the members elected for the following wards:</del></p> <p><del>Aylesford North &amp; North Downs; Aylesford South &amp; Ditton; Larkfield; Snodland East &amp; Ham Hill; Snodland West &amp; Holborough Lakes; and Walderslade</del></p> <p><del>(Total – 14 members)</del></p>	
<p><del>For the avoidance of doubt, a member of the Executive may serve on an area planning committee if eligible to do so as a councillor</del></p> <p>(Quorum: 4 Members of the <del>individual Planning Committee</del>)</p>		
<p><b>Terms of Reference:</b></p>		
<p><del>Each Area</del><u>The</u> Planning Committee has been appointed to make decisions on planning applications and related matters and exercise all functions of the Council as the Local Planning Authority <del>relating to their respective wards</del> as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except where recommended for approval in fundamental conflict with the plans and strategies which together comprise the Development Plan.</p> <p><del>Where a Committee rejects a recommendation to approve, or is minded to refuse, an application which is recommended for approval by the Director of Planning, Housing and Regulatory Services on grounds which the Director does not consider can be substantiated at appeal, the matter shall be deferred to the next meeting of the Committee to enable the Director of Central Services &amp; Deputy Chief Executive to submit an independent report to the Committee on the possibility of costs being awarded against the Council. If the Director of Central Services &amp; Deputy Chief Executives report indicates that there is likely to be a risk of significant costs being awarded against the Borough Council and the Committee resolves to refuse the application that decision will be a recommendation only and the matter shall be submitted to Council for resolution.</del></p> <p>These functions shall include (but are not restricted to):</p>		
1.	Applications for planning permission under the Town and Country Planning Act 1990 ("the 1990 Act")	
2.	Applications for consent to the cutting down, topping, lopping or destruction of trees.	
3.	Applications for determination under Sections 191 and 192 of the 1990 Act.	
4.	Applications for listed building and conservation area consent under the Planning (Listed Buildings and Conservation Areas) Act 1990.	

5.	Applications for consent under regulations Sections 220 and 221 of the 1990 Act to display advertisements.	
6.	Applications for consent under regulations under Sections 220 and 221 of the 1990 Act to display advertisements.	
7.	Applications for approvals required by a development order or by conditions imposed on the grant of planning permission and applications for determination as to whether prior approvals are required.	
8.	To authorise the issue of Building Preservation Notices pursuant to Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Except in cases where the Director of Planning, Housing and Regulatory Services and Director of Central Services & Deputy Chief Executive consider there may be a liability for payment of compensation
9.	To exercise powers in relation to the service of enforcement notices under Parts VII and VIII of the Town and Country Planning Act 1990 and to take all further steps up to and including prosecution.	
10.	To exercise powers in relation to the service of Planning Contravention Notices under section 171C of the Town and Country Planning Act 1990 and to take all further steps up to and including prosecution.	
11.	To exercise powers in relation to the service of Breach of Condition Notices under section 187A of the Town and Country Planning Act 1990 and to take all further steps up to and including prosecution.	

12.	To exercise powers in relation to the service of Stop Notices under Parts VII and VIII of the Town and Country Planning Act 1990	Except in cases where the Director of Planning, Housing and Regulatory Services and Director of Central Services & Deputy Chief Executive consider there may be a liability for payment of compensation
13.	To exercise powers in relation to the service of Listed Building Enforcement Notices under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to take all further steps up to and including prosecution.	
14.	Orders for modification or revocation of planning permissions.	Where served with the agreement of the owner
15.	To authorise the issue of Completion Notices under Section 94 Town and Country Planning Act 1990.	
16.	To resolve to serve Article 4 Directions under the Town and Country Planning (General Permitted Development) Order 1995.	
17.	To confirm Directions made under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995	Where objections are received
18.	To deal with objections to tree preservation orders and to determine whether orders shall be confirmed.	
19.	The approval or disapproval of plans for the laying-out of new streets and erection of buildings under the Building Act 1984 and the Building Regulations 1991.	
20.	To exercise the Council's powers under Section 36 of the Building Act 1984 (power to require the removal or alteration of work not in conformity with the building regulations or executed notwithstanding the rejection of plans)	
21.	To make recommendations on Local Plans and Development Briefs and to approve Development Briefs where they are produced pursuant to the requirements of a planning permission.	

22.	To submit views on behalf of the District Planning Authority in relation to the consultations under the Pastoral Measure 1968.	
23.	To consider and approve for consultation purposes Draft Conservation Areas	Formal designation of Conservation Areas reserved to Council
24.	Under the Hedgerows Regulations 1997:	
(a)	to deal with notifications under Section 75 of the Environment Act 1995 and the Regulations and to authorise the service of Hedgerow Retention Notices; and	
(b)	to exercise powers in relation to the service of notices requiring the replanting of important hedgerows under Section 75 of the Environment Act 1995 and the Regulations.	
<b>Highways Use and Regulation</b>		
25.	<del>Each Area</del> The Planning Committee shall also exercise the functions of the Council relating to the regulation of the use of highways, as set out in Schedule 1 to the Functions Regulations	

<b>2.</b>	<b>Audit Committee</b>
<b>Size and Membership:</b>	
To consist of seven members and it shall be politically balanced, none of whom may be a member of the Executive.  (Quorum: 3 Members of the Committee)	
<b>Terms of Reference:</b>	
The Committee shall provide to those charged with governance 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. By overseeing internal and external audit it makes an important contribution to ensuring that effective assurance arrangements are in place. It shall also provide independent assurance on the effectiveness of the control environment, including arrangements for value for money and countering fraud.  The functions of the committee shall include:	
1.	To consider the Chief Audit Executive annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
2.	To consider summaries of specific internal audit reports as requested.
3.	To consider reports dealing with the management and performance of the providers of internal audit services.
4.	To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
5.	To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
6.	To consider initially general and specific audit reports from the successors to the Audit Commission, the External Auditor and the Head of Finance and s151 Officer, to make recommendations to Council for future action and to monitor the Council's implementation of those recommendations.
7.	To consider specific reports as agreed with the external auditor
8.	To comment on the scope and depth of external audit work and to ensure it gives value for money
9.	To oversee the appointment of the Council's external auditor.

10.	To commission work from internal and external audit.
11.	To monitor the effective development and operation of risk management and corporate governance in the Council.
12.	To monitor council policies on 'Raising Concerns at Work' and the Anti-Fraud and Anti-Corruption Strategy and the Council's complaints procedure.
13.	To oversee the production of the authority's statement on internal control and to recommend its adoption.
14.	To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
15.	Effectiveness of the control environment including arrangements for value for money and countering fraud.
<b>Corporate Governance Framework</b>	
16.	To maintain an overview of the Council's Constitution in respect of Contract Procedure Rules, Financial Procedure Rules and Codes of Conduct and behaviour.
17.	To review any issue referred to it by the Chief Executive or a Chief Officer or any Council body.
18.	To consider the Council's compliance with its own and other published standards and controls.
<b>Accounts</b>	
19.	To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
20.	To consider the external auditor's report to those charged with governance on issue arising from the audit of the accounts.
<b>Treasury Management</b>	
21.	To consider reports on Treasury Management Activity and the formulation of the Treasury Management and Annual Investment Strategy

<b>3.</b>	<b>General Purposes Committee</b>
<b>Size and Membership:</b>	
To consist of 11 members and it shall be politically balanced  (Quorum: 4 Members of the Committee)	
<b>Terms of Reference:</b>	
<ul style="list-style-type: none"> <li>- Byelaws</li> <li>- Elections</li> <li>- Employment</li> <li>- Health and Safety</li> <li>- Local or Personal Bills</li> <li>- Miscellaneous Functions</li> <li>- Name and Status of areas and individuals</li> <li>- Pensions</li> <li>- Standards</li> </ul>	
The functions of the committee shall include:	
1.	To deal with all matters relating to Parliamentary, Local Elections and Parish Council Elections (in consultation with the Parish Council), electoral registration and representation including all matters in respect of Constituency, Borough, ward and parish boundaries.
2.	To deal with all matters relating to byelaws, including the power to make, amend and revoke such byelaws (where those matters are not dealt with by any other committee).
3.	To advise the Council upon the exercise of its powers to promote or oppose local or personal Bills.
4.	To consider any request to change the name of a town or parish within the Borough and to make recommendations to Council.
5.	To discharge all matters relating to the Council's responsibilities as an employer (save for determination of the annual staff pay award which shall be reserved to full Council), including functions relating to local government pensions, etc., which are not the responsibility of the Executive.
6.	To discharge all other functions which are the responsibility of the Council (other than those required by statute to be taken by the Council itself) as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 where those functions do not fall within the purview of another committee. (Miscellaneous Function).
7.	To exercise the Council's functions relating to health and safety under any relevant statutory provision within the meaning of Part I of the Health and Safety at Work etc Act 1974 to the extent that those functions are discharged otherwise than in the Council's capacity as employer.

8.	To exercise the Council's function relating to smoke-free workplaces, etc., under the Health Act 2006, Smoke-free (Premises and Enforcement) Regulations 2006 and any other related regulations to the extent that those functions are discharged otherwise than in the Council's capacity as employer.
9.	To advise the Borough Council on the adoption of or revisions to its Code of Conduct.
10.	To monitor and assess the operation and effectiveness of the Code of Conduct.
11.	To advise on ethical governance protocols and procedures.
12.	To grant dispensations pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:
(a)	Without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on that matter;
(b)	That the Committee considers that the dispensation is in the interests of persons living in its area; or
(c)	Where the Committee considers that it is otherwise appropriate to grant a dispensation.

<b>4.</b>	<b>Joint Standards Committee</b>
The Council has established a Joint Standards Committee with all of the Parish Councils within the Borough.	
<b>Size and Membership:</b> (Quorum 4 Members of the Committee)	
To consist of eleven members of the Council, six parish representatives (to be drawn on a pool basis from amongst the members appointed to represent the town and parish councils).	
<b>Terms of Reference:</b>	
The Joint Standards Committee will have the following roles and functions:	
1.	To promote and maintain high standards of conduct by Members and Co-opted Members of the Borough Council and to make recommendations to Council on improving standards.
2.	To advise and assist Parish/Town Councils and Parish/Town Councillors to maintain high standards of conduct and to make recommendations to Parish/Town Councils on improving standards.
3.	To advise, train or arrange to train Borough Members, Co-opted Members and Parish/Town Councillors on matters relating to the Code of Conduct.
4.	To assist the Borough Councillors, Co-opted Members and Parish/Town Councillors to observe their respective Codes of Conduct
5.	To review and manage the arrangements for dealing with Code of Conduct complaints.
6.	To maintain oversight of the Borough Council's arrangements for dealing with Code of Conduct complaints
7.	To act as an advisory body in respect of any ethical governance matter.
8.	To monitor and review the procedures for the Register of Members' Interests and declaring gifts and hospitality.
9.	To receive quarterly reports (or less frequently if there are no complaints to report) from the Monitoring Officer on the number and nature of complaints received and action taken as a result in consultation with the Independent Person.
10.	To receive an annual report on the Borough Council's ethical governance arrangements.
11.	To appointment a sub-committee to deal with Code of Conduct complaints, following investigation.

<b>5.</b>	<b>Licensing and Appeals Committee</b>
<b>Size and Membership:</b>	
To consist of 13 members and it shall be politically balanced.  (Quorum: 4 Members of the Committee)	
Where any application or complaint falls to be determined by the Committee sitting as a sub-committee (Panel), there shall be constituted a panel of not less than three nor more than five Members drawn from amongst the Members of the Committee by the Chief Executive in consultation with the Chairman of the Committee, and the Panel may exercise the functions of the Committee in relation to the application or complaint in question.  Where a sub-committee is exercising the functions of the Committee under the Licensing Act 2003, it shall comprise 3 Members drawn from the Members of the Committee.	
<b>Terms of Reference:</b>	
<b>Licensing and registration</b>	
(a)	Except as provided in the Licensing Act 2003 and Gambling Act 2005 and any regulations made thereunder; the discharge of all functions of the Borough Council as licensing authority set out in those Acts.
(b)	The discharge of all functions of the Borough Council relating to hackney carriage and private hire licensing, including the licensing of vehicles, drivers and operators; and
(c)	The discharge of all other functions relating to licensing and registration in so far as they are the responsibility of the Borough Council
<b>Determination of Appeals</b>	
To determine appeals made:	
(d)	against any decision made by or on behalf of the authority except where there is a statutory appeals procedure
(e)	under either grievance or disciplinary procedures (including grading) for all categories of employees
The functions of the Committee shall include (but not be limited to):	
1.	To deal with all matters relating to licences, registrations and permits within the purview of the Council

2.	<ul style="list-style-type: none"> <li>- To designate streets in accordance with paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 in respect of street trading provisions.</li> <li>- Licences for houses in multiple occupation under the Housing Act 2004 (where objections made).</li> <li>- Scrap metal dealing under the Scrap Metal Dealers Act 2013</li> </ul> <p>To exercise all of the Council's powers relating to charitable collections.</p>
3.	To exercise all of the Council's powers under Part V of the Disability Discrimination Act 1995.
4.	To determine staff grading appeals and disciplinary appeals not within officer responsibilities under the Council's disciplinary procedures
5.	Determination and implementation of the Council's policy in respect of the licensing of caravan sites and moveable dwellings, including the adoption and enforcement of standards.
6.	To deal with such other appeals as need Member determination.

<b>5.1</b>	<b>Panels of the Licensing and Appeals Committee dealing with Alcohol and Entertainments and Gambling Licensing</b>  <i>(Constituted in accordance with the provisions of the Licensing Act 2003)</i>	
To determine the following applications under the Licensing Act 2003		
1.	Application for personal licence	If a police objection
2.	Application for personal licence with unspent convictions	All cases
3.	Application for premises licence/club premises certificate	If a relevant representation made
4.	Application for provisional statement	If a relevant representation made
5.	Application to vary premises licence/club premises certificate	If a relevant representation made
6.	Application to vary designated premises supervisor	If a police objection
7.	Application for transfer of premises licence	If a police objection
8.	Applications for interim authorities	If a police objection
9.	Application to review premises licence/club premises certificate	All cases
10.	Decision to object when Council is a consultee and not the relevant authority considering the application	All cases
11.	Determination of a police objection to a temporary event notice	All cases
12.	To make orders under section 6 of the Gaming Act 1968 and grant of permits under section 16 of the Lotteries and Amusements Act 1976 be exercised by the Committee's panels	All cases
To determine the following applications under the Gambling Act 2005		
13.	Application for premises licence	If a relevant representation made

<b>6.</b>	<b>Overview and Scrutiny Committee</b>
<b>Size and Membership:</b> (Quorum: 4 Members of the Committee)	
To consist of 17 members and shall be politically balanced, none of whom may be a member of the Executive.	
The Overview and Scrutiny Committee will have the power to co-opt any person(s) it thinks appropriate (except for members of the Executive and officers of the Council) onto the committee, on whatever basis it thinks appropriate. Co-opted members may speak in debates but not vote. The Borough Council has approved a Scheme of Co-option as set out in Part 4, Overview and Scrutiny Procedure Rule 3.1	
The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.	
<b>Terms of Reference:</b>	
The Overview and Scrutiny Committee shall discharge the following general functions	
1.	review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive;
2.	make reports or recommendations to the authority or the Cabinet with respect to the discharge of any functions which are the responsibility of the Executive;
3.	review or scrutinise decisions (other than individual regulatory decisions) made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive;
4.	make reports or recommendations to the authority or the Cabinet with respect to the discharge of any functions which are not the responsibility of the Executive;
5.	make reports or recommendations to the authority or the Executive on matters which affect the authority's area or the inhabitants of that area; and
6.	exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive
The power of the Overview and Scrutiny Committee under 1 above to review or scrutinise a decision made but not implemented includes power:	
7.	to recommend that the decision be reconsidered by the person who made it; or
8.	to arrange for its function under subsection 1, so far as it relates to the decision, to be exercised by the authority.

<b>Specific Functions:</b>	
<b>Policy Development and Review</b>	
The Overview & Scrutiny Committee may	
9.	assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
10.	conduct research, community and other consultation in the analysis of policy issues and possible options;
11.	consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
12.	question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area;
13.	liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
<b>Scrutiny</b>	
The Overview & Scrutiny Committee may	
14.	review and scrutinise the decisions made by and performance of the executive and/or committees and council officers both in relation to individual decisions and over time;
15.	review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
16.	question members of the executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
17.	make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
18.	review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the committee and local people about their activities and performance;
19.	question and gather evidence from any person (with their consent).

<b>Finance</b>	
20.	The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it
<b>Annual Report</b>	
21.	The Overview and Scrutiny Committee must report annually to the full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.
<b>Officers</b>	
22.	The Overview & Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support its work.
The Overview and Scrutiny Committee or a sub-committee of such a committee:	
(a)	may require members of the Executive, and officers of the authority, to attend before it to answer questions;
(b)	may require any other member of the Borough Council to attend before it to answer questions relating to any function which is exercisable by the member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England); and
(c)	may invite other persons to attend meetings of the committee.
It is the duty of any member or officer mentioned in paragraphs (a) or (b) above to comply with any requirement mentioned in that paragraph. However, a person is not obliged to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.	
The Borough Council has designated the Corporate Policy and Communities Manager as the Scrutiny Officer for the purposes of the Local Government Act 2000.	

## 5. FUNCTIONS DELEGATED TO OFFICERS:

1.	<p>In order to be able to carry out its functions effectively, authority is granted to the following list of officers (subsequently referred to as Chief Officers) to act on behalf of the Council in relation to routine matters of management and administration of their own service areas:</p> <ul style="list-style-type: none"> <li>- Chief Executive</li> <li>- Head of Finance and s151 Officer</li> <li>- Director of Central Services &amp; Deputy Chief Executive</li> <li>- Director of Planning, Housing and Regulatory Services</li> <li>- Director of Street Scene, Leisure &amp; Technical Services</li> </ul>
1.1	<p>Additionally, authority to act on behalf of the Council is detailed in the following paragraphs and in the specific delegations to Chief Officers.</p>
2.	<p>Chief Officers will exercise their delegated powers subject to the following conditions and reservations:</p>
2.1	<p>If a matter which the Chief Officer would normally deal with under delegated authority is in their opinion likely to give rise to unusual difficulty or controversy, they should refer it for consultation with, or determination by, the Executive, an individual Executive Member or to the appropriate Committee or Sub-Committee.</p>
2.2	<p>In using their delegated authority, Chief Officers must conform with specific instructions of the Council and with the requirements of the Council's Constitution, including the Financial Procedure Rules and the Contracts Procedure Rules.</p>
2.3	<p>Chief Officers shall not incur expenditure for which provision has not been made in the Council's annual estimates or reduce income for which provision has also been made in the estimates. Similarly, expenditure should not be incurred even though provision has been made in the estimates if in doing so, income which was expected is no longer to be received, except in the circumstances set out in 2.4 below:</p>
2.4	<p>(Subject to the agreement of the Head of Finance and s151 Officer) Chief Officers may incur additional expenditure where provision has not been made in the annual estimates subject to the expenditure being anticipated to be wholly offset by additional income and not adversely affecting other areas of the Council's budget.</p>
2.5	<p>Before exercising their delegated powers, Chief Officers shall consult with any other Chief Officers who may be affected by the decision or where they consider that it would be beneficial to do so. In particular where any decision is likely to have financial or legal consequences for the Council, Chief Officers will consult the Head of Finance and s151 Officer and the Director of Central Services &amp; Deputy Chief Executive before taking any decision.</p>

2.6	<p>All delegated powers will be exercised in the name of the Chief Officer concerned.</p> <p>A Chief Officer shall designate an appropriate officer to deputise for them during their absence or indisposition and shall notify the Chief Executive, Head of Finance and s151 Officer and Monitoring Officer of all such authorisations. The Chief Executive shall advise members of any authorisation received.</p> <p>In addition, a Chief Officer may authorise other officers to exercise powers on their behalf, either generally or in respect of specific matters.</p> <p>Each Chief Officer shall maintain a written record of any officers who have been authorised to exercise powers on their behalf, indicating in each case whether such authorisation is made generally or in respect of specific matters.</p>
2.7	<p>Except where specific provision is made by legislation or by resolution of the Council, the Chief Officers are appointed to be the Proper Officers in respect of any legislation falling within the purview of their respective Services.</p> <p>Each Chief Officer shall maintain a written record of their Proper Officer functions and of any officers who have been appointed to deputise for them, indicating in each case whether such appointment is made generally or in respect of specific matters.</p>
3	<p>Where a Chief Officer has a conflict of interest in respect of a particular matter, or in respect of another matter which relates to it, whether arising in a professional or a personal capacity, they shall immediately delegate their responsibilities in respect of that matter to another officer and shall have no further involvement in the matter.</p>
3.1	<p>The officer to whom a matter is delegated under paragraph 3 shall (subject to the provisions of the Council's Constitution) be entitled, in respect of that matter, to exercise all of the functions of the Chief Officer.</p>
3.2	<p>Where a Chief Officer makes such a delegation, written notice will be given to the Chief Executive, to the Head of Finance and s151 Officer, to the Monitoring Officer and to the officer to whom the delegation has been made. The Monitoring Officer shall keep a permanent record of such delegations.</p>
<b>Note:</b>	
C	Delegations marked 'C' are delegated by Council
E	Delegations marked 'E' are delegated by the Executive
C/E	Delegations marked 'C/E' are delegated by both Council and the Executive

**All Chief Officers**

CO 100	To recruit staff within the establishment of their Services and to appoint temporary staff, subject to concurrence of Management Team.  Permanent appointments are to be within the established salary of the post and otherwise in accordance with good personnel practice. All advertisements to be placed through the Director of Central Services & Deputy Chief Executive.	E
CO 101	In consultation with the Director of Central Services & Deputy Chief Executive, to authorise in appropriate cases the payment of relocation and removal expenses to applicants appointed to posts with the Council, in accordance with the Council's Relocation Assistance Scheme and Mortgage Subsidy Scheme.	E
CO 102	In consultation with the Director of Central Services & Deputy Chief Executive, to approve absences and expenditure for staff training including attendance at conferences in accordance with the Council's scheme.	E
CO 103	In consultation with the Director of Central Services & Deputy Chief Executive, to authorise payment of professional fees in accordance with the Council's scheme.	E
CO 104	To approve payment of merit increments to staff passing the whole or a defined part of an examination or attaining a full professional qualification relative to their training and employment or for exceptional performance of duties.	E
CO 105	Subject to Management Team approval, to allocate car allowances and/or leased car facilities to members of staff required to use their own car on official business.	E
CO 106	Provision and renewal of plant and equipment, provided that it is included in annual estimates or Capital Plan.	E
CO 107	Subject to concurrence of the Head of Finance and s151 Officer, to approve departures from the approved schedule of renewals to a limit of £20,000 where urgent operational circumstances dictate that it is appropriate to do so.	E

CO 108	To purchase items of information systems and technology not exceeding £5,000, subject to:  (a) consultation with IT Manager; (b) purchase being in accordance with the agreed strategy policy and standards; and (c) within the Chief Officer's budget allocation	E
CO 109	To deal with all matters related to pension entitlements on transfer to other duties; early retirement on grounds of ill health or as a result of redundancy; or as otherwise prescribed by the Pensions Legislation and Regulations or other termination by reason of redundancy; and to provide certificates and authorisations on behalf of the Borough Council. Ill health retirements for employees with salaries in excess of £30,000 may only be granted in consultation with the Head of Finance and s151 Officer and Director of Central Services & Deputy Chief Executive.	E
CO 110	Subject to approval of Management Team, to vary the internal progression requirements of career grade.	E
CO 111	Subject to approval of Management Team, to award honoraria in respect of exceptional performance.	E
CO 112	To authorise overtime, shift and other payments as appropriate.	E
CO 113	To serve requisitions for information under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of matters falling within their Service areas.	E
CO 114	To appoint officers within their respective services as 'Authorised Officers' for the purposes of any legislation falling within the Borough Council (subject to ensuring that the officer(s) for the specific purpose(s) in question are qualified and have had appropriate training to effectively discharge the function).	E

**Chief Executive**

CEX 100	To review and administer the Council's scheme for the allocation and control of car allowances to Council employees.	E
CEX 101	To determine whether posts falling vacant should be eligible for a car allowance.	E
CEX 102	To determine re-gradings for non-M grade staff of not more than one grade providing such re-grading does not take the post into the M grades.	E
CEX 103	To have control of the Council's Building Repairs Reserve and to manage its Expenditure Plan in accordance with Council policy.  Management for this purpose includes the redirection of resources within the current Expenditure Plan total and provision for specific premises shall not be treated as individual budget items.	E
CEX 104	To co-ordinate the discharge of the Council's duties in respect of the following policies and strategies:  <ul style="list-style-type: none"> <li>- community planning under the Local Government Act 1999;</li> <li>- economic development under the Local Government Act 1972;</li> <li>- community safety under the Crime and Disorder Act 1998</li> </ul>	C
CEX 105	In consultation with the Chairman of General Purposes Committee to award partnership supplements of between 3% and 10% of the salary of any officer employed by the Council in partnership working with another authority taking into account the following factors:  <ul style="list-style-type: none"> <li>- the savings being achieved from the partnership opportunity;</li> <li>- any additional responsibilities the officer has;</li> <li>- any additional pressures put upon the officer as a result of the partnership opportunity; and</li> <li>- the number of staff the officer supervises.</li> </ul>	E
CEX 106	To determine any request for  <p>(a) A listing review of a community nomination decision;</p> <p>(b) A review of a compensation decision</p> <p>Under the Assets of Community Value provisions contained in Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.</p>	E

CEX 107	To authorise a compensation payment (in consultation with the Cabinet Member for Finance, Waste & Technical Services).	E
<b>2</b>	<b>Chief Executive or their nominated Deputy</b>	
CEX 200	To exercise any of the powers as delegated to any other Chief Officer.	E
CEX 201	To commit the Council to expenditure under section 138 of the Local Government Act 1972 (power of principal councils) with regard to emergencies or disasters.	E
CEX 202	To determine claims for ex-gratia payments not exceeding £350 in respect of damage to or loss of clothing or personal possessions used in the course of Council duty.	E
CEX 203	In accordance with <a href="#">Part 3 (5) Functions Delegated to Officers, paragraph 2.6</a> the Chief Executive is required to appoint an appropriate officer to deputise in their absence. As of 14 February 2019, the Director of Central Services has been designated as the formal deputy to the Chief Executive for all matters relating to the role of Chief Executive, Head of Paid Service, Director of Executive Services and Returning Officer and is authorised to exercise all powers on behalf of the Chief Executive in their absence.	
<b>3</b>	<b>Anti-Social Behaviour</b>	
CEX 300	To exercise all functions of the Council under and in connection with the Anti-Social Behaviour, Crime and Policing Act 2014, including any orders or regulations made thereunder.	E
CEX 301	To authorise injunction proceedings in respect of anti-social behaviour under section 2(1)(b) or (c) of the Anti-Social Behaviour, Crime and Policing Act 2014.	
CEX 302	To make Public Spaces Protection Orders.	

**Head of Finance and s151 Officer**

HF 100	In respect of rating, council tax, council tax support, housing benefits and discretionary housing payments, to decide those matters that, because of policy or other considerations, are required to be dealt with by the Cabinet.	E
HF 101	<b>Local Government Finance Act 1988</b>	
	Schedule 11: To represent the Council (the Charging Authority) at the hearings of appeals before valuation Tribunals and to authorise other officers to appear on their behalf.	E
HF 102	<b>Local Government Finance Act 1988 (National Non-Domestic Rating) sections 43, 44, 44A, 45 &amp; 46:</b>	
	To determine the liability of a ratepayer to non-domestic rate in any given financial year <ul style="list-style-type: none"> <li>- section 4: To determine entitlement to mandatory relief</li> <li>- section 55: To alter, amend or otherwise maintain a rating list as directed by the Valuation Officer</li> <li>- section 57: To determine entitlement to transitional relief</li> <li>- section 62: To administer, collect and recover national non-domestic rate</li> </ul>	E
HF 103	To determine any application rate relief, where the circumstances of the application fall within any guidelines laid down by the Executive and a grant of relief is in accordance with the views of local Members and any relevant parish council.	E
HF 104	To determine applications for housing benefit, council tax support and discretionary housing payments.	E
HF 105	To carry out any other function ancillary to, or consequential from matters relating to rating, council tax, council tax benefits, housing benefits and discretionary housing payments that have been delegated to the Head of Finance and s151 Officer.	E
HF 106	To be authorised to appear on behalf of the Council before a Magistrates' Court in order to make applications, prosecute or defend (as the case may be) any proceedings under the Non-Domestic Rating (Collection & Enforcement) (Local List) Regulations 1989 and the Council Tax (Administration & Enforcement) Regulations 1992.	E

HF 107	To authorise suitably qualified officers of the Council to appear on behalf of the Council before a Magistrates' Court to make applications, prosecute or defend in respect of the above matters.	E
HF 108	To make premature repayments of local loans, subject to an appropriate premium to make good any loss the Council may sustain.	E
HF 109	To write off amounts due to the Council up to and including £5000, subject to compliance with the Council's Financial Procedure Rules (set out in Part 4 – Rules) and any other conditions determined by the Council.	E
HF 110	To pay annual contributions and subscriptions to all organisations as agreed by the Council and included in the approved estimates.	E
HF 111	To undertake matters relating to treasury management subject to compliance with the Council's Treasury Management Strategy Statement and Annual Investment Strategy.	E
HF 112	In consultation with the Chief Executive, to determine and administer gratuities in accordance with the Council's Scheme under the Superannuation Act 1972 and any Regulations made thereunder.	E
HF 113	To administer the Council's insurances and amend the level of cover provided by the Council's policies as considered appropriate.	E
HF 114	<b>Local Government Finance Act 1992 (Council Tax)</b>  To undertake any function (not being a matter of policy) that may from time to time require action in respect of the levying, collection and recovery of council tax including those items mentioned below:	E
	<b>section 2:</b> To determine liability to pay council tax	E
	<b>section 10:</b> To determine the basic amount of council tax payable by a liable person	E
	<b>section 11:</b> To determine discounts	E
	<b>section 13:</b> To determine reduced amounts, ie, council tax support and reductions because of disability and to deal with any appeals arising from such determinations	E
	<b>section 14:</b> To administer, collect and recover council tax, including the levying of civil penalties and registration of charges at HM Land registry to secure repayment	E

	<b>section 16:</b> To represent the Council at the hearing of appeals before valuation tribunals and to authorise other officers to appear on their behalf	E
	<b>section 17:</b> To serve completion notices and to take such further action as is necessary with regard to completion notices	E
	<b>section 31B:</b> to determine the Council Tax base	E
	<b>sections 64 and 68:</b> To supply information to the Secretary of State on behalf of the Council	E

## Director of Central Services and Deputy Chief Executive

<b>1</b>	<b>Property</b>	
DCS 100	To manage the Council's property portfolio in accordance with the Council's adopted Asset Management Plan.	E
DCS 101	To obtain specialist advice and to instruct contractors to carry out minor works of maintenance and improvement within existing budgetary provision.	E
DCS 102	The day to day management, maintenance and improvement of all land and property not falling within the purview of any other Chief Officer, including specifically offices, depots, commercial and industrial holdings and vacant land and premises.	E
DCS 103	To grant wayleaves across Council-owned land at market value and determine applications to position service wires, cables or conduits under land owned by the Council.	E
DCS 104	To approve terms for acquisition of land and property included in a confirmed compulsory purchase order where notice to treat has been served.	E
DCS 105	To approve terms for granting leases and licences five years or less for land or premises owned by the Council.	E
DCS 106	To institute proceedings for possession of Council properties on account of arrears of payment and/or breaches of covenants/conditions/agreements.	E
DCS 107	To submit applications for planning permission (and any subsequent approvals required) in respect of schemes for development:  (a) by the Borough Council; or (b) relating to land or buildings to be disposed of which have received approval by or on behalf of the Council	E
DCS 108	To give consent to the assignment of existing leases and under-leases of Council-owned property, subject to the usual enquiries concerning the assignee being satisfactory and to the usual conditions and/or undertakings.	E
DCS 109	To negotiate terms for all land and property transactions.	E
DCS 110	To complete all property transactions which have been authorised by Members.	E

DCS 111	To object to rating proposals by the Valuation Officer in respect of Council-owned property.	E
DCS 112	To agree rent reviews at market value following professional valuation.	E
DCS 113	To determine applications for occasional use of Council-owned property not falling within the purview of any other Chief Officer.	E
DCS 114	To agree terms for disposal of repossessed properties and to arrange for the disposal thereof at the best price reasonably obtainable.	E
DCS 115	To determine any applications for compensation under the Assets of Community Value provisions contained in Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.	E
DCS 116	To approve indemnities to Building Societies in the appropriate model form in respect of applications to Building Societies either under the referral scheme or under local arrangements meeting the requirements of the Council's own direct lending scheme.	E
DCS 117	To approve application by mortgagors for their property to be occupied temporarily, for not more than three years, by persons other than members of their immediate family.	E
DCS 118	In respect of any property in a confirmed Compulsory Purchase Area where it is the Council's intention to proceed with the Order to do all or any of the following things:  (a) to serve notice to treat; (b) to complete the purchase in accordance with the appropriate valuer's valuation; and (c) to serve notices of entry	E
<b>2</b>	<b>Personnel</b>	
DCS 200	To prepare and update list of politically sensitive posts under section 2(2) Local Government & Housing Act 1989 and take steps arising from provisions of sections 1 to 3 of the Act.	E
DCS 201	To make minor alterations to the agreement with other Councils in relation to protection of children arrangements.	E
DCS 202	In consultation with the Head of Finance and s151 Officer, to vary charges for dealing with above arrangements as a result of inflation or operational changes.	E

<b>3</b>	<b>Court Proceedings</b>	
DCS 300	To bring any civil or criminal proceedings on any matter and in any court or tribunal (including bringing any appeal) on behalf of the Council, subject to consultation with the relevant Chief Officer(s).	C/E
DCS 301	To seek Counsel's Opinion and to give instructions to Counsel.	C/E
DCS 302	To defend, settle withdraw or compromise any legal proceedings brought by or against the Council in any Court.	C/E
DCS 303	To appear as a third party in any legal proceedings.	C/E
DCS 304	To appear on behalf of the Council in any Court, inquiry or hearing.	C/E
DCS 305	To serve requisitions for information under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or any other statutory power of the Council in respect of matters falling within the area of any Service.	E
<b>4</b>	<b>Land Charges</b>	
DCS 400	As Registrar of Local Land Charges, to exercise all of the Council's functions relating to Land Charges including all functions under the Local Land Charges Acts 1972 and 1975 and any related legislation.	E
<b>5</b>	<b>Equalities</b>	
DCS 500	To be responsible for the Council's duties under the Equality Act 2010.	E
<b>6</b>	<b>Standards</b>	
DCS 600	In consultation with the Independent Person(s) and Chair and Vice-Chair(s) of the Joint Standards Committee to grant dispensations to Members pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct to speak only or to speak and vote where: <p>(a) so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business; or</p> <p>(b) without a dispensation, no member of the Cabinet would be able to participate on a particular item of business.</p>	C

DCS 601	In cases of urgency, in consultation with the Independent Person(s) and Chair and Vice-Chair(s) of the Joint Standards Committee to grant dispensations to Members pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct to speak only or to speak and vote where:  (a) without a dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; (b) the granting of the dispensation is in the interests of persons living in the authority's area; or (c) it is otherwise appropriate to grant a dispensation	C
DCS 602	Appointed to receive complaints relating to alleged breaches of the adopted Code of Conduct and to process complaints in accordance with the adopted Arrangements for dealing with Code of Conduct complaints.	C
<b>7</b>	<b>Planning and Engineering</b>	
DCS 700	To make temporary traffic restriction orders in respect of roads under the Town Police Clauses Act 1847.	E
DCS 701	To make orders under section 14 of the Road Traffic Regulation Act 1984 (temporary closures of public paths).	E
DCS 702	To make draft Traffic Regulation Orders and confirm them where no adverse representations have been received.	E
DCS 703	To issue/ serve notices under the Highways Act 1980.	E
DCS 704	To make and confirm directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.	E
DCS 705	To issue/ serve notices and requisitions for information under the Planning Acts*  <i>* For the purposes of this power, "Planning Acts" means the Town &amp; Country Planning Act 1990, Planning (Listed Building and Conservation Areas) Act 1990 and any other statute or statutory instrument conferring powers upon a council in its capacity as local planning authority</i>	C
DCS 706	To deal with, and complete, agreements under section 106 of the Town and Country Planning Act 1990 on behalf of the Council.	C
DCS 707	To appoint professional consultants to give evidence at public local plan and all appeal inquiries under the Town and Country Planning Acts 1990.	C

DCS 708	To exercise the Council's functions in relation to the naming and numbering of streets and properties (including the service of notices under the County of Kent Act 1981).	C
DCS 709	To enter into agreements under section 38 of the Highways Act 1980 in respect of new street works.	E
DCS 710	To agree to the vesting in the Council of sewers and roads subject to section 38 Agreements that have been completed to the satisfaction of the Director of Planning, Housing and Regulatory Services.	E
DCS 711	To declare the adoption of roads and sewerage systems and vest the asset in the Authority.	E
DCS 712	To issue approvals for the erection of buildings over public sewers under section 18 of the Buildings Act 1984.	E
DCS 713	To serve notices under the provisions of the Land Drainage Act 1991.	E
<b>8</b>	<b>Public Rights of Way</b>	
DCS 800	To manage the Council's functions in respect of public rights of way, including the Countryside and Rights of Way Act 2000, including: <ul style="list-style-type: none"> <li>- the provision of advice</li> <li>- dealing with consultations</li> <li>- making Orders</li> </ul>	E
DCS 801	To maintain and display a copy of the Definitive Map, to facilitate public access to this information and to respond to enquiries from the public regarding public rights of way issues.	E
DCS 802	To exercise all of the Council's functions in respect of town and village greens, including the submission of responses to the Commons Registration Authority to any applications to register land within the Council's ownership as a town or village green.	
<b>9</b>	<b>Data Protection</b>	
DCS 900	To deal with notification matters under the Data Protection Act 2018	E

## Director of Planning, Housing and Regulatory Services

1	<b>Planning Applications and Development Control</b>	
DPHRS 100	<p>To exercise all functions of the Council as a local planning authority (save in respect of plan making) and in particular to determine any application under the Planning Acts (including any prior or subsequent approvals) provided that:</p> <p>(i) the exercise of such powers does not involve departing from the adopted plans and policies forming part of the statutory Development Plan ( save as specified below)*</p> <p>(ii) cases where there is a balance to be made between diverging and significant policy considerations shall be referred to the <b>relevant Area</b>-Planning Committee</p> <p>(iii) in the event of a recommendation by the Director of Planning, Housing and Regulatory Services of any application which, in the opinion of the Director of Central Services &amp; Deputy Chief Executive, might lead to an adverse judicial finding, award of costs against or to the payment of compensation by the Council, such application shall be referred to the <b>relevant Area</b> Planning Committee</p> <p>(iv) Member for the relevant Ward in which the application site falls may require that the application be determined by the <b>relevant Area</b>-Planning Committee provided that:</p> <p>(a) The request is made within 21 days of notification of the application to the Member; and</p> <p>(b) The request must include reasoned justification on proper planning grounds as agreed by the Director of Planning, Housing and Regulatory Services, subject to the prior approval of the <b>relevant Area</b>-Planning Committee Chair.</p>	C
*Paragraph DPHRS100(i) shall not apply to the following categories of development:		
(a)	Householder development as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 or such later Order amending, repealing or re-enacting those provisions.	
(b)	Minor alterations to petrol filling stations and garages (eg forecourt layouts, pump islands, underground fuel storage tanks and forecourt canopies).	
(c)	Development in connection with agricultural operations as defined by Section 336 of the Town and Country Planning Act 1990.	

(d)	Equestrian related development.	
(e)	Minor operations as described in the Town and Country Planning (General Permitted Development) Order 2015 (or such later Order amending, repealing or re-enacting those provisions) but requiring express grant of planning permission by the Council.	
(f)	Applications and notifications under the Planning Acts for the felling, topping or lopping of trees. The call-in provision under DPHRS 100(iv) does not apply to such applications and notifications.	
For the purposes of this power, "Planning Acts" means the Town & Country Planning Act 1990, Planning (Listed Building and Conservation Areas) Act 1990 and any other statute or statutory instrument conferring powers upon a council in its capacity as local planning authority to determine applications for any form of consent, approval or determination relating to the built environment.		
100.01	to respond to formal consultations by statutory bodies on any matter relating to the Director of Planning, Housing and Regulatory Services' service areas and development proposals by Government Departments.	C
100.02	to respond to consultations before the grant of planning permission) by the Kent County Council, by neighbouring planning authorities, by the Secretary of State or government departments.	C
DPHRS 101	To issue Certificates of Alternative Development under the provision of the Land Compensation Act 1961.	C
DPHRS 102	To determine applications for Hazardous Substances Consents under the Hazardous Substances Act 1990 subject to provisos (i), (ii) and (iii) in DPHRS 100 above.	C
DPHRS 103	To deal with all notifications relating to hedgerows, including under Section 75 Environment Act 1995 and Hedgerow Regulations 1997.	C
DPHRS 104	To authorise the service of Hedgerow Retention Notices in all cases except where the Director of Planning, Housing and Regulatory Services proposes to permit the hedgerow to be removed contrary to adverse representations raising material considerations which shall be referred to the relevant <b>Area</b> Planning Committee.	C
DPHRS 105	To determine applications under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges.	C

DPHRS 106	To exercise all of the Council's powers in relation to the Self Build and Custom Housebuilding Register, including any set out in the Self Build and Custom Housebuilding Act 2015 and any regulations made thereunder.	
<b>2</b>	<b>Building Control</b>	
DPHRS 200	To approve or reject applications and to determine appropriate fees payable under the Building (Prescribed Fees) Regulations 1994 and associated sections of the Building Act 1984.	C
DPHRS 201	To act in an emergency in respect of dangerous buildings pursuant to section 78 of the Building Act 1984.	E
DPHRS 202	To issue building regulation completion certificates.	E
DPHRS 203	To approve or reject applications for relaxation or dispensation of building regulations within their specified terms of reference including those under Parts B and L and Schedule 2 to the Building Regulations 1991; and also internal raised storage platforms, covered ways and porches adjacent to boundaries, and as required by sections 51 and 53 of the County of Kent Act 1981.	C
DPHRS 204	To fix or extend a period in respect of a building erected of short-life materials under section 19 of the Building Act 1984.	C
DPHRS 205	To approve or reject plans for industrial buildings under the Thermal Insulation (Industrial Buildings) Act 1975.	C
DPHRS 206	To deal with applications for building over sewers under section 18 of the Building Act 1984.	C
<b>3</b>	<b>Environmental Protection and Food Safety</b>	
DPHRS 300	<p>To exercise the Council's functions with respect to:</p> <ul style="list-style-type: none"> <li>- food safety</li> <li>- health and safety</li> <li>- environmental protection and public health (including the control of pollution and management of air quality)</li> <li>- animal welfare</li> <li>- dangerous dogs</li> <li>- housing</li> </ul> <p>and to inspect the Borough and research as necessary the need for services and to plan and implement programmes and appropriate action as allowed by the following scheme of delegations.</p>	C/E

DPHRS 301	section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (provision of sanitary appliances at places of entertainment).	E
DPHRS 302	sections 59, 60, 61, 64, 65, 66, and 70 (drainage and related provisions), sections 76 and 79 (defective premises) and section 84 (yards and passages) of the Building Act 1984 and Schedule 27 to the Water Act 1989.	E
DPHRS 303	To exercise the Council's functions under the Private Water Supplies Regulations 2009 and Water Consolidation (Consequential Provisions) Act 1991.	E
DPHRS 304	To notify the water undertakers of any insufficiency or unwholesomeness found in water supplies within the Borough.	E
DPHRS 305	Pursuant to the following provisions of the Local Government (Miscellaneous Provisions) Act 1982 (as amended): <ul style="list-style-type: none"> <li>- sections 13 to 17 (registration of persons and premises in connection with acupuncture, tattooing, ear-piercing and electrolysis)</li> <li>- sections 29 and 30 (protection of buildings) including service of notices</li> </ul>	C
DPHRS 306	To determine applications for prior consent for work on construction sites pursuant to section 61 of the Control of Pollution Act 1974 and to: <ul style="list-style-type: none"> <li>- attach any conditions to a consent;</li> <li>- limit or qualify a consent to allow for any change in circumstances;</li> <li>- limit the duration of a consent;</li> <li>- to publish notice of a consent pursuant to section 61 if considered appropriate</li> </ul>	E
DPHRS 307	Pursuant to the following provisions of the County of Kent Act 1981: <ul style="list-style-type: none"> <li>- section 14 (Dust, etc, from Building Operations)</li> <li>- section 15 (Power to order alteration of chimneys)</li> <li>- section 19 (Registration of hairdressers and barbers)</li> <li>- section 21 (Registration of eating houses)</li> <li>- section 23 (Registration of houseboats)</li> <li>- section 80 (Control of brown tail moth)</li> </ul>	E
DPHRS 308	To act on behalf of the Council as enforcing authority under the Control of Asbestos Regulations 2012.	E

DPHRS 309	In accordance with the provisions of Health & Safety (Enforcing Authority) Regulations 1989 agree any transfer of enforcement responsibility made between the Health and Safety Executive and this authority and vice versa.	E
DPHRS 310	To act on behalf of the Council in respect of all duties and powers under the provisions of the Sunday Trading Act 1994.	E
DPHRS 311	To register:	
	- food premises pursuant to EC Regulation No 852/2004	E
	- premises under paragraph 5 of schedule 1 to the Sunday Trading Act 1994	C
DPHRS 312	To review Approved Premises status in respect of businesses producing foods of animal origin EC Regulation No 853/2004.	E
DPHRS 313	To approve arrangements under Section 33 Local Government (Miscellaneous Provisions) Act 1976 relating to the restoration or continuation of supply of water, gas and electricity to domestic premises.	E
<b>4</b>	<b>Housing</b>	
DPHRS 400	To determine applications and make payments in respect of statutory housing compensation payments.	E
DPHRS 401	To deal with requests for accommodation under Part VII of the Housing Act 1996.	E
DPHRS 402	To prioritise applicants for the statutory housing register and make nominations on behalf of the Council.	E
DPHRS 403	To make all necessary arrangements to rehouse the occupants of properties represented as being unfit and where formal proceedings have been taken for the closure or demolition of the building.	E
DPHRS 404	To nominate applications for alternative accommodation in cases supported by the Agricultural Dwelling House Advisory Committee and make appropriate arrangements.	E
DPHRS 405	Determine applications for Rent in Advance and Deposit Bonds in accordance with the policies adopted by the Council.	E
DPHRS 406	Authority to determine applications for house renovation grants under Part I of the Housing Grants Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.	E

DPHRS 407	To determine applications for waiver of repayment of grant and to seek repayment in appropriate circumstances.	E
DPHRS 408	To respond to consultations in appropriate circumstances on matters relating to the Council's environmental health and housing functions.	E
DPHRS 409	To express the Council's priorities for investment through the Housing Corporation Approved Development Programme.	E
To serve relevant statutory notices in respect of the following matters and to take all consequent actions rising therefrom:		
DPHRS 410	Under Part VI of the Housing Act 1996: <ul style="list-style-type: none"> <li>- requiring repair of unfit houses;</li> <li>- repair of houses in need of substantial repair;</li> <li>- houses the condition of which materially interferes with the comfort and wellbeing of the occupants</li> </ul>	E
DPHRS 411	Under Part XI of the Housing Act 1985 requiring works to houses in multiple occupation	E
DPHRS 412	Under Part X of the Housing Act 1985 to abate overcrowding in dwelling houses	E
DPHRS 413	In respect of housing disrepair under section 80 of the Environmental Protection Act 1990	E
DPHRS 414	In relation to closets or sanitary conveniences pursuant to sections 45, 51 or 52 of the Public Health Act 1936	E
DPHRS 415	To remedy conditions in filthy and verminous premises pursuant to section 83 Public Health Act 1936	E
DPHRS 416	To enter into management agreements for the use of private sector properties for social housing purposes.	E
DPHRS 417	To authorise payment of reinstatement grants for defective housing under Part XVI of the Housing Act 1985.	E
DPHRS 418	To issue certificates of fitness under Section 310 of the Housing Act 1985.	E
DPHRS 419	To determine closing Orders where properties are made fit under section 278 of the Housing Act 1985.	E
DPHRS 420	To waive Home Improvement Agency fees.	E

DPHRS 421	To determine applications for hardship fund grants.	E
DPHRS 422	To exercise all of the Council's functions with regard to the licensing of Houses in Multiple Occupation.	C
DPHRS 423	To exercise all of the Council's functions with regard to the licensing and registration of mobile home sites including but not limited to the exercise of powers under the Caravan Sites and Control of Development Act 1960 and the Public Health Act 1936.	C
<b>5</b>	<b>Miscellaneous Functions</b>	
DPHRS 500	To deal with consultations under the Pastoral Measure 1968.	C
DPHRS 501	To approve applications for grants or loans under the Planning (Listed Buildings and Conservation Areas) Act 1990 and to administer Shop Fronts and Target Building Grants.	E
DPHRS 502	To provide a consultancy service to public and other bodies as defined by the Local Authorities (Goods and Services) Act 1970 and its Regulations.	E
DPHRS 503	To appoint professional consultants to advise Council on the specialist implications of planning applications, development briefs and master plans.	E
DPHRS 504	To determine whether details of siting, etc, for proposals to erect farm or forestry buildings in AONB and conservation areas be required as part of planning applications therefor.	E
DPHRS 505	To make representations to the Licensing Authority in connection with applications/ notices under the Licensing Act 2003.	E
DPHRS 506	To apply to the Licensing Authority for a review of a premises licence/ club premises certificate under the Licensing Act 2003.	E
DPHRS 507	To exercise all functions of the Council in respect of contaminated land.	E
DPHRS 508	To deal with all aspects of the cessation of noise from intruder alarms whether under section 77 of the Clean Neighbourhoods and Environment Act 2005, Noise Act 1996 or any other enactment, including the issue of Fixed Penalty Notices.	E

DPHRS 509	To exercise all functions of the Council relating to the welfare of animals, whether under the Animal Welfare Act 2006 or any other enactment, including the power to appoint Inspectors for the purposes mentioned in the Act and to recover any costs expended in accordance with the Act.	E
<b>6</b>	<b>General Licensing</b>	
DPHRS 600	<p>To exercise all of the Council's functions with regard to</p> <ul style="list-style-type: none"> <li>- Charitable collections (including house to house and street collections)</li> <li>- Classification of films</li> <li>- Hypnotism</li> <li>- Lotteries</li> <li>- Minibuses</li> <li>- Pleasure boats/ vessels and boatmen</li> <li>- Pavement licences</li> <li>- Scrap metal licensing</li> <li>- Sex establishments</li> <li>- Street trading</li> </ul> <p>This authority shall include power to grant or refuse applications for licences, registrations, consents and permits under the applicable legislation.</p>	C
DPHRS 601	<p>To exercise all of the Council's functions with regard to the welfare of animals including:</p> <ul style="list-style-type: none"> <li>- Animal boarding</li> <li>- Animal trainers and exhibitors</li> <li>- Dangerous wild animals</li> <li>- Dog breeding and welfare</li> <li>- Game</li> <li>- Pet shops</li> <li>- Riding establishments</li> <li>- Zoos</li> </ul> <p>This authority shall include power to grant or refuse applications for licences, registrations, consents and permits under the applicable legislation.</p>	C
<b>7</b>	<b>Hackney Carriage and Private Hire Licensing</b>	
DPHRS 700	To exercise all of the Council's functions with regard to the licensing of Hackney Carriage vehicles and drivers and Private Hire vehicles drivers and operators. This authority shall include power to grant or refuse applications for licences under the applicable legislation.	C

DPHRS 701	To permit departures from the standard licence conditions in respect of specific hackney carriages or private hire vehicles in circumstances where it is considered appropriate to do so.	C
DPHRS 702	To take all enforcement action including the power to suspend/ revoke:  (a) vehicle licences (b) drivers' licences (c) operators' licences  Under the Local Government (Miscellaneous Provisions) Act 1976, including where the suspension is to have immediate effect.	C
DPHRS 703	To lodge objections with the Licensing Authority for applications for Goods Vehicle Operators licences under the Goods Vehicles (Licensing of Operators) Act 1995 and to appear at public inquiries to present the Council's case.	C
<b>8</b>	<b>Alcohol, Entertainments and Gambling Licensing</b>	
DPHRS 800	To exercise the Council's functions with regard to the Licensing Act 2003 (as amended) and any regulations made under that Act as set out below:	C
800.01	Application for personal licence	If no objection made
800.02	Application for premises licence/club premises certificate	If no relevant representation made
800.03	Application for provisional statement	If no relevant representation made
800.04	Application to vary premises licence/club premises certificate	If no relevant representation made
800.05	Application to vary designated premises supervisor	If no police representation made
800.06	Request to be removed as designated premises supervisor	All cases
800.07	Application for transfer of premises licence	If no police representation made
800.08	Applications for interim authorities	If no police representation made
800.09	Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.	All cases (after consultation with the Chairman, where appropriate)

800.10	To give written notice that the Council will accept a plan of other than standard scale	All cases
DPHRS 801	To exercise the Council's functions with regard to the Gambling Act 2005 (as amended) and any regulations made under that Act as set out below:	C
801.01	Application for premises licence	If no relevant representation made
801.02	Application for provisional statement	If no relevant representation made
801.03	Application to vary premises licence/club premises certificate	If no relevant representation made
801.04	Application for transfer of premises licence	If no police representation made
801.05	Applications for interim authorities	If no police representation made
801.06	Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.	All cases (after consultation with the Chairman, where appropriate)
801.07	To give written notice that the Council will accept a plan of other than standard scale	All cases

## Director of Street Scene, Leisure and Technical Services

1	<b>Waste and Street Scene</b>	
DSSLT 100	To exercise the Council's functions with respect to street scene services, including: <ul style="list-style-type: none"> <li>- cleaning of streets, open spaces and public conveniences</li> <li>- collection of household and commercial waste</li> <li>- recycling</li> <li>- the control of littering, fly-tipping and dog fouling</li> <li>- abandoned vehicles</li> <li>- stray dogs and dog control</li> <li>- pest control</li> </ul>	C/E
DSSLT 101	To authorise the provision and location of litter & dog waste bins.	E
DSSLT 102	To deal with all aspects of the removal of waste from land and the recovery of costs whenever practicable.	E
DSSLT 103	To issue Fixed Penalty Notices under the Environmental Protection Act 1990.	E
DSSLT 104	To respond to consultations in appropriate circumstances on matters relating to the Council's waste and street scene functions.	E
DSSLT 105	To deal with all aspects of the removal of graffiti under the Anti-Social Behaviour Act 2003 including the issue of Fixed Penalty Notices and the recovery of costs for works carried out in default.	E
DSSLT 106	To take all necessary action to initiate proceedings and issue Fixed Penalty Notices in respect of offences under the following legislation, including the power to seize vehicles under the Control of Pollution Act 1989 and the Environmental Protection Act 1990.	E
DSSLT 107	Powers under Environmental Protection Act 1990.	E
DSSLT 108	Powers under Refuse Disposal (Amenity) Act 1978	E
DSSLT 109	Powers under Anti-Social Behaviour, Crime & Policing Act 2014.	E
DSSLT 110	Powers under Clean Neighbourhoods & Environment Act 2005.	E

DSSLT 111	To deal with all aspects of the removal of waste from land and the recovery of costs whenever practicable.	E
<b>2</b>	<b>Leisure Services</b>	
DSSLT 200	To exercise the Council's functions with respect to Leisure Services, including: <ul style="list-style-type: none"> <li>- managing the relationship with the Leisure Trust</li> <li>- managing public open spaces that fall within Council ownership</li> <li>- managing events on our Public Open Spaces</li> <li>- managing the cemetery functions</li> </ul>	C
DSSLT 201	To determine the closure of leisure facilities as a result of public holidays, emergencies, etc	E
DSSLT 202	To make discounts, refunds and concessions to approved fees and charges in response to market demand and opportunity.	E
DSSLT 203	To agree changes in operational management and programming by relevant contractors in respect of all leisure facilities and services.	
DSSLT 204	To deal with commercial and contractual initiatives and arrangements to positively enhance the financial performance of facilities in accordance with market demand and in liaison with relevant contractors.	E
DSSLT 205	To deal with all detailed matters relating to licensing arrangements for facilities as appropriate.	E
DSSLT 206	To deal with applications of Tonbridge Angels Football Club for use of Longmead Stadium under terms of lease.	E
DSSLT 207	To issue grants of exclusive rights of burial in Tonbridge Cemetery or certificates of ownership or transfers of ownership.	E
DSSLT 208	To submit applications for grant aid to external funding bodies.	E
DSSLT 209	To take all such action as may be necessary for the protection of wildlife under Part I of the Wildlife and Countryside Act 1981.	E
DSSLT 210	To approve events on Borough Council owned public open space.	

<b>3</b>	<b>Technical Services</b>	
DSSLT 300	To exercise the Council's functions with respect to Technical Services and Parking.	C
DSSLT 301	To authorise the use of the Council's car parks for uses other than car parking by non-commercial/charitable organisations.	
DSSLT 302	To confirm the siting of seats and bus shelters.	
DSSLT 303	To take all necessary action in accordance with regulations to secure the removal of cars parked in contravention of regulations.	
DSSLT 304	To waiver in appropriate circumstances payment of excess charges in all of the Borough Council's car parks and the issue of passes for such car parks.	
DSSLT 305	To take appropriate actions including issuing of notices, approve applications and undertake (and recharge) appropriate works under relevant sections of the Highways Acts 1980 and Road Traffic Regulation Act 1984.	
DSSLT 306	To issue residents' and business permits in Preferential or Residents Parking Schemes and monitor their use.	E
DSSLT 307	To exercise all the Council's functions under the provisions of the Land Drainage Act 1991 (excluding service of notices).	C
DSSLT 308	To deal with commercial and contractual initiatives and arrangements to positively enhance the financial performance of facilities in accordance with market demand in liaison with relevant contractors.	
DSSLT 309	To initiate suitable traffic orders for the maintenance of long-term price stability.	
DSSLT 310	To examine, refine, accept and seek tenders in respect of schemes currently approved by the Council for inclusion in the Council's Capital Programme and to adjust priorities for schemes in the light of constraints or releases governing the activity programme.	
DSSLT 311	To issue Fixed Penalty Notices and to take all necessary action to institute proceedings in respect of offences under the Clean Neighbourhoods and Environment Act 2005.	
DSSLT 312	To authorise temporary road closures for charitable/civic events.	

DSSLT 313	To suspend on-road and off-road parking bays and other parking restrictions.	
DSSLT 314	To exercise all powers in connection with installation of Street Signage.	
DSSLT 315	To take all necessary action in relation to Emergency Planning, including but not limited to the exercise of powers contained in the Civil Contingencies Act 2004.	
DSSLT 316	To maintain traffic regulation orders in good order.	
DSSLT 317	To represent the Council at Parking Adjudication appeals.	
<b>4</b>	<b>Engineering and Works Functions</b>	
DSSLT 400	To exercise the Council's functions under the New Roads & Street Works Act 1991.	C
DSSLT 401	Reduction of bonds in respect of Agreements under section 38 of the Highways Act 1980 together with the issue of certificates of satisfactory completions for the purpose of adoptions under the relevant agreements.	
DSSLT 402	In respect of overhanging trees and hedges, to serve informal notices only.	
DSSLT 403	To give or refuse consent for buildings in front of the building line under section 74 of the Highways Act 1980.	
DSSLT 404	To consent to the erection of flagpoles, etc, in highways for display of decorations pursuant to section 144 of the Highways Act 1980.	
DSSLT 405	To issue licences in agency area for gantries, scaffolding or other structures over a highway during building works under section 169 of the Highways Act 1980.	
DSSLT 406	To issue notices and to take appropriate action in relation to dangerous trees and dangerous excavations under sections 23 to 26 of the Local Government (Miscellaneous Provisions) Act 1976.	
DSSLT 407	To issue notices and to take appropriate action in relation to the removal of structures from highways pursuant to section 143 of the Highways Act 1980.	
DSSLT 408	To serve notices and take action under section 184 of the Highways Act 1980 (vehicle crossings over foot ways and verges).	

DSSLT 409	To determine appropriate client operational issues in respect of contracted-out services as approved by the Cabinet.	
DSSLT 410	To issue Fixed Penalty Notices and to take all necessary action to institute proceedings in respect of offences under the Clean Neighbourhoods and Environment Act 2005.	
DSSLT 411	To take all action to initiate proceedings in respect of offences under the Anti-social Behaviour Act 2003 including the issue of Fixed Penalty Notices under section 43.	
DSSLT 412	To deal with all aspects of the removal of graffiti and fly-posting under the Anti-social Behaviour Act 2003 including the issue of graffiti and/or fly-posting removal notices under section 48 and the recovery of costs for works carried out in default.	

### **Policy, Scrutiny and Communities Manager**

PSCM 100	To determine any community nomination under the Assets of Community Value provisions contained in Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.	E
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**Part 2: Committees and Outside Bodies**

<b>12</b>	<b>Selection of Councillors on Committees and Outside Bodies</b>
12.1	At the Annual meeting, the Council will:
(a)	decide which committees to establish for the municipal year;
(b)	approve a programme of ordinary meetings of the committees for the year;
(c)	decide the size and terms of reference for those committees;
(d)	decide the allocation of seats to political groups in accordance with the political balance rules;
(e)	receive nominations of councillors to serve on each committee and outside body; and
(f)	appoint to those committees and outside bodies.
12.2	The committees listed in Part 3 of the Constitution shall be the standing committees and sub-committees of the Council and shall have the membership specified.
12.3	The Committee and Outside Bodies Procedure Rules, set out in this Part, shall apply to meetings of Committees, Scrutiny Select Committees, Advisory Panels and Forums in accordance with the scheme for panels and forums to advise the Executive set out in Part 3 of the Constitution.
<b>13</b>	<b>Rules for Convening Meetings</b>
13.1	Ordinary meetings of committees will take place in accordance with a programme decided at the Council's annual meeting.
13.2	The Chief Executive may at any time call an extraordinary meeting of a committee or sub-committee of their own motion and shall do so at the request of the Chair of the committee or sub-committee, the Mayor or the Leader. The Chief Executive may also call an extraordinary meeting of a committee or sub-committee on the requisition delivered to them in writing or by electronic mail of not less than three members of the committee or sub-committee.
13.3	Meetings will normally begin at 1930 hours and will be held at the Council's principal offices at Gibson Building, Gibson Drive, Kings Hill, or otherwise as determined by the Chair of the committee in consultation with the Chief Executive.

Part 4 - Rules – Committee Procedure Rules

13.4	The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules.
13.5	At least five clear days* before a meeting, the Chief Executive will send a summons to every member of the committee or sub-committee by an appropriate method, in accordance with the provisions of the Local Government Act 1972. This may include electronic summonses.  *“clear days” refers to weekday working days and does not include the day of publication or the day of the meeting
13.6	The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. No business other than that set out in the summons may be considered at the meeting.
13.7	The Chief Executive may agree with a member to send the summons and accompanying reports to them in such format, to such address and by such means as may be agreed.
<b>14.</b>	<b>Rules for Conduct of Meetings</b>
14.1	The Council's Procedure Rules (set out in Part 1) for the conduct of meetings shall not apply to meetings of committees and sub-committees.
<b>Chair of Meeting</b>	
14.2.	The Chair and Vice-Chair of each committee and sub-committee shall be appointed by the Council at its annual meeting.
14.3	The Council may also appoint a second Vice-Chair for any committee or sub-committee.
14.4	If present, the Chair shall preside at the meeting.
14.5	If the Chair is not present, the Vice-Chair shall preside at the meeting.
14.6	In the case of a committee or sub-committee for which a second Vice-Chair has been appointed, if neither the Chair nor Vice-Chair are present the second Vice-Chair shall preside at the meeting.
14.7	If the Chair, Vice-Chair or any second Vice-Chair are not present, the committee or sub-committee may elect a member from among their number to preside at the meeting.

14.8	If, during the course of a meeting, the person in the chair is unable for any reason to preside over some business of the committee or sub-committee, the chair shall be taken by the member whom in accordance with this rule, would have taken the chair had the person vacating the chair not been present.
14.9	The person presiding at the meeting may exercise any power or duty of the Mayor.
<b>Quorum</b>	
14.10	Except as otherwise provided by law, and subject to rule 14.11, the quorum of a meeting of a committee will be four members and of a sub-committee will be three members.
14.11	The quorum of a meeting of the Audit Committee will be three members.
14.12	The quorum of a meeting of a panel or board to advise the Executive will be four members.
14.13	The quorum of a meeting of other member working groups will be three members.
14.14	During any meeting if the Chair of the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.
<b>Unfinished Business</b>	
14.15	If, at the time a meeting of a committee or sub-committee is adjourned, there remains unfinished business, the Chair of the meeting, after consultation with the Chief Executive, may fix a time and date for the consideration of the remaining business. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.
<b>15.</b>	<b>Rules of Debate for Committee and Sub-Committee Meetings</b>
15.1	The Council's rules of debate shall not apply to meetings of committees and sub-committees.
<b>No Speeches until Motion Seconded</b>	
15.2	Unless proposed by the Chair of the meeting, no speeches may be made after the mover had moved a proposal and explained the purpose of it until the motion has been seconded.

<b>Right to Require Motion in Writing</b>	
15.3	The Chair of the meeting may require any motion (incorporating any agreed amendments) to be written down and handed to them before it is discussed.
<b>Content of Speeches</b>	
15.4	Speeches must be directed to the question under discussion or to a personal explanation or point of order.
<b>Amendments to Motions</b>	
15.5	An amendment to a motion must be relevant to the motion and will either be:
(a)	to delete words, numbers or figures;
(b)	to insert words, numbers or figures;
(c)	to substitute words, numbers or figures;
(d)	combining matters referred to at (a), (b) and (c) above,
	as long as the aggregate effect of (b) to (d) is not to negate the motion.
15.6	Normally only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. However, if the Chair of the meeting considers that the conduct of the committee or sub-committee's business would be helped they may allow two or more amendments to be discussed together but not voted on.
15.7	If an amendment is not carried, other amendments to the original motion may be moved.
15.8	If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments may be proposed.
15.9	After an amendment has been carried, the Chair of the meeting will read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.

<b>Alteration of Motion</b>	
15.10	A member may alter a motion which they have moved with the consent of both the meeting and the seconder. The consent will be signified without discussion. Only alterations which could be made as an amendment may be made.
<b>Withdrawal of Motion</b>	
15.11	A member may withdraw a motion which they have moved with the consent of both the meeting and any seconder. The consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.
<b>Motions which may be Moved during Debate</b>	
15.12	When a motion is under debate, no other motion may be moved except the following procedural motions:
(a)	to withdraw a motion;
(b)	to amend a motion;
(c)	to proceed to the next business;
(d)	that the question be now put;
(e)	to adjourn a debate;
(f)	to adjourn a meeting;
(g)	to not hear further a member named under rule 10.6 or to exclude them from the meeting under rule 10.7; and
(h)	to exclude the public and press in accordance with the Access to Information Rules.
<b>Closure Motions</b>	
15.13	A member may move, without comment, the following motions at the end of a speech of another member:
(a)	to proceed to the next business;
(b)	that the question be now put;
(c)	to adjourn a debate; or
(d)	to adjourn a meeting.

15.14	If a motion to proceed to next business is seconded and the Chair of the meeting thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
15.15	If a motion that the question be now put is seconded and the Chair of the meeting thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.
15.16	If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair of the meeting thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.
15.17	If a motion to adjourn the debate or to adjourn the meeting is seconded and in the opinion of the Chair of the meeting the item has been sufficiently discussed the Chair shall, from the chair, move that the question be now put and will put the motion to the vote after giving the mover of the original motion the right of reply.
<b>Point of Order</b>	
15.18	A member may raise a point of order at any time. The Chair of the meeting will hear them immediately. A point of order may only relate to an alleged breach of the Council and Committee Procedure Rules or the law. The member must indicate the rule of law and the way in which they consider it has been broken. The ruling of the Chair of the meeting on the matter will be final.
<b>Personal Explanation</b>	
15.19	A member may raise a point of personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair of the meeting on the admissibility of a personal explanation will be final.
<b>Miscellaneous</b>	
15.20	Part 1 of the Council and Committee Procedure Rules set out in sections 5.31 to 5.36 (Interests), 7 (Previous Decisions and Motions), 8 (Voting) (except rule 8.4), 9 (Minutes), 10 (Conduct of members and public) and rule 11.1 (Suspension of Council and Committee Procedure Rules) shall apply to meetings of committees and sub-committees, the Executive and panels and boards to advise the Executive.

	Sections 5.21 to 5.24 (Petitions) shall apply to meetings of the Executive and panels and boards to advise the Executive.
15.21	<p>Any member of the Council may attend meetings of any committee or sub-committee (and, exceptionally, of Working Parties by prior invitation of the Chair) of which they are not a member and may, with the permission of the Chair speak but not vote.</p> <p>Provided that this rule does not apply to meetings of the Licensing and Appeals Panel or the Standards Hearings Panel</p>
15.22	For the proper discharge of its responsibilities under Part 3 of the Constitution, the Audit Committee may require any member of the Council or officer to attend before it, to answer questions and to produce any documents which the committee may reasonably require to see in connection with the discharge of its responsibilities under part 3 of this Constitution.
15.23	Notwithstanding the provisions of rule 15.21, any member of the Council who has moved a motion at a meeting of the council which has been referred to a committee or sub-committee shall receive notice of the meeting of the committee or sub-committee which will consider their motion and they will have the right to attend the meeting and be given the opportunity of explaining the motion.
15.24	<p>If, contrary to a recommendation of the Director of Planning, Housing and Regulatory Services, <del>an Area Planning Committee</del> <b>the Planning Committee</b> is minded to determine an application in a way or on grounds which the Director does not consider can be substantiated, a resolution by the committee to make such a determination will be a recommendation only and the application shall stand adjourned to the next meeting of the committee to enable the Director of Central Services and Deputy Chief Executive to submit a report on the possibility of costs or compensation being awarded against the Council in the event that the application is determined in that way.</p> <p><del>If the Director of Central Services and Deputy Chief Executive's report indicates that there is likely to be a risk of significant costs* being incurred by the Council in defending any appeal, the committee may not determine the application in a manner contrary to the advice set out in the report, and a resolution by the committee to make such a determination will be a recommendation only and the application shall stand adjourned to Council for determination.</del></p> <p><del>*'significant costs' means costs of £50,000 or more, calculated by reference to estimated costs of the Council in defending any appeal together with any potential liability to pay the costs of the appellant in the event of an adverse costs award.</del></p>

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15.25	<del>If an item of business relates to the area covered by more than one Area Planning Committee, the matter shall be reported to both of the Committees concerned and the recommendations of both Committees shall be reported to Council for decision. However, if both Committees are agreed on their recommendations (including reasons for their recommendations and any conditions to be attached to a grant of permission), the Director of Planning, Housing and Regulatory Services may proceed to determine the application in accordance with those recommendations.</del>
<b>16.</b>	<b>Rules for Public Speaking in Respect of Planning Applications</b>
16.1	The rules contained in the scheme set out as Annex 1 to these rules shall apply for the purpose of enabling members of the public to address <del>an Area Planning Committee</del> <b>the Planning Committee</b> in respect of applications for planning permission being considered by the committee. <del>They also apply to planning applications being considered by the council when it has resolved itself into a committee of the Full Council.</del>
<b>17</b>	<b>Use of Substitute Members on Committees, Boards, Panels and Groups</b>
17.1	Subject to the following provisions, a member may act as a substitute for a member of the same political group at any meeting of a Committee, Subcommittee, Board or Panel listed in Part 3 of the Constitution.
17.2	The Council will allocate seats for up to 5 substitute members per Committee/ Advisory Panel/ Board for each political group on the Council in accordance with the wishes of the political group. Allocations shall be made at Annual Council but may be reviewed on request from a political group at any ordinary meeting of Council.
17.3	No substitute members shall be appointed in respect of the following: - <ul style="list-style-type: none"> <li>• Cabinet</li> <li>• Licensing &amp; Appeals Committee (or any panels of the Licensing &amp; Appeals Committee)</li> <li>• <del>Area Planning Committees</del></li> </ul>
17.4	Cabinet members may not act as substitute members on the following: - <ul style="list-style-type: none"> <li>• Audit Committee</li> <li>• Overview &amp; Scrutiny Committee</li> <li>• Scrutiny Select Committees</li> </ul>
17.5	A substitute member may only attend a meeting if the ordinary member for whom they are substituting cannot do so. Such substitute may take the place with the right to speak and vote of any member of that political group who is an ordinary member of the particular Committee or Board for the meeting (or part of the meeting) when such councillor is absent, subject to the substitution being notified to Democratic Services or their nominee: <ul style="list-style-type: none"> <li>• when the first item is called on the agenda;</li> </ul>

Part 4 - Rules – Committee Procedure Rules

	<ul style="list-style-type: none"> <li>• at the commencement of a reconvened meeting; or</li> <li>• immediately upon the substitute member arriving at the meeting</li> </ul>
17.6	Once the meeting has been informed of the appointment of a substitute Member, the original Member may not resume membership of the Committee until after the conclusion of the meeting.
17.7	Such substitution shall not be used in relation to a specific item, but only to cover the absence of a councillor from the whole or part of a meeting.
17.8	Substitute Members will have all the powers and duties of any ordinary member of the Committee or Board but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.
17.9	<p>Substitute Members must be physically present in the Council Chamber in order for their formal attendance to be recorded and to exercise their right to vote.</p> <p>Substitute members may not attend remotely.</p>

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**RULES FOR PUBLIC SPEAKING IN RESPECT OF PLANNING APPLICATIONS**

<b>1.</b>	<b>Application of Rules</b>
1.1	These rules apply to the consideration of planning and allied applications that may be determined by the Borough Council where the application is to be determined by <del>an the Area Planning Committee</del> <u>Planning Committee</u> <del>(or by Council in accordance with Council and Committee Procedure Rule 15.24)</del> , but do not apply to applications where the Council is a consultee and not the determining authority.
1.2	The right to speak does NOT apply to reports relating solely to enforcement matters or any other business of the <del>Area Planning Committee</del> <u>Planning Committees</u> than that in 1.1 above.
<b>2.</b>	<b>Procedure before Committee</b>
2.1	Where these rules apply, any member of the public wishing to address the committee (including applicants, their agents, parish council representatives and local residents) have the opportunity to attend the meeting in person or to attend via MS Teams.  The Applicant's Acknowledgement Letter will indicate that, in the event that the matter is to be determined by a Committee, members of the public will be given an opportunity to speak at the Committee.
2.2	Once the Director of Planning, Housing and Regulatory Services has determined that an application will be determined by a Committee, the applicant will be sent written notification stating the date, time and manner of accessing the Committee's meeting.
2.3	The Neighbours' Consultation Letter will state that, in the event that the matter is to be determined by a Committee, members of the public or a representative of the relevant Parish Council will be given an opportunity to speak if they have made a written representation.
2.4	Anyone who has made a written representation on an application, and the applicant/their agents, must notify the Council in advance that they wish to take advantage of the opportunity to speak at Committee.  Anyone who wishes to do so must register with Democratic Services as early as possible but, in any event, no later than <b>5.00pm on the closest working day prior to the day of the meeting</b> . For example, any person wishing to speak at a meeting scheduled to take place on a Wednesday must give notice no later than 5pm on the Tuesday before the meeting. Notice should be given by email to <a href="mailto:committee.services@tmbc.gov.uk">committee.services@tmbc.gov.uk</a>  Anyone seeking to register to speak after this time will be refused.

	<p>When registering to speak, every participant must indicate whether they wish to attend in person or attend remotely.</p> <p>In parished areas, a maximum of 5 speakers will be permitted.</p> <p>In unparished areas, a maximum of 6 speakers will be permitted .</p> <p>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 will be permitted to speak in addition to the above public speakers. In the event that the red line of the planning application straddles 2 or more Town/ Parish Council areas then representatives of each council shall be permitted to speak.</p> <p>The Director of Planning, Housing and Regulatory Services may, in consultation with the Chair of the <del>relevant Area Planning Committee</del><u>Planning Committee</u> allow an additional speaker where the application raises issues either by virtue of its size or a particular characteristic that warrants it. This will be determined prior to publication of the agenda.</p> <p>Speaking slots are allocated on a first come, first served basis. The first members of the public, who register to speak (whether for or against the application), will be invited to address the committee. However, the Democratic Services team will (where permitted under data protection legislation) advise other people who wish to speak of the nominated speaker(s) and, if that speaker is agreeable, then an alternative speaker can be put forward provided the alternative speaker has made a written representation and has notified the Council in advance that they wish to take advantage of the opportunity to speak at Committee.</p>
2.5	<p>Anyone wishing to address the committee remotely is encouraged to provide a written copy of their statement, which may be read out in the event of a technical issue preventing the person connecting to the meeting.</p> <p>Whether or not written statements will be read out is at the discretion of the Chair of the committee.</p>
2.6	<p>Potential speakers are asked to indicate (for the purposes of the Data Protection Act 2018 and/or any other relevant data protection legislation) if they agree to their contact details being shared with other representors.</p>
<b>3.</b>	<b>Procedure at Committee</b>
3.1	<p>In the introduction to the meeting the Chair will explain the composition of the top table and how the meeting will be conducted. The Chair will also explain the need for speakers to only deal with planning matters and the need to guard against making defamatory statements. The Chair will remind speakers that their face and voice may appear on the</p>

	live stream, and the archived recording of the meeting.
3.2	The Chair will indicate the order in which items of business is to be dealt with. This will ordinarily be as on the Agenda but is at the absolute discretion of the Chair (on advice of officers where needed).
3.3	The Chair will explain the speaking time limitations. 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 in total.
3.4	Where the Chair has suggested at the Chair’s briefing that an initial officer presentation is required, that presentation will be the first step in consideration of the Committee item and will occur before the speakers are invited to speak.
3.5	The speakers shall be taken in the following order:  The representative of the relevant Town or Parish Council (where they have registered in advance to speak).  Individual public speakers will then be invited to come forward by the Chair, by name (see paragraph 2.4 for maximum numbers of public speakers).  Finally, the applicant or their agent will then have an opportunity to address the committee where they have registered to do so in advance.
3.6	Committee Members will not be able to question speakers on any matter.
3.7	At the conclusion of their representation, online speakers will be asked to turn off their video feed and mute their microphone. In person speakers will be asked to return to the public gallery.
3.8	At the conclusion of the public speaking, the Chair will invite members of the public to leave the “Teams” meeting and watch the debate on the live stream to save bandwidth. Members will then debate the application.  Members of the Committee will debate the matter as per the guidance on the conduct of meetings set out in agenda packs.
3.9	After Members have debated the item, Officers will answer questions, summarise the debate or clarify points, including any matters arising from the points raised by speakers, and to give any necessary professional advice before Members reach their decision.
3.10	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.



**Annex 1**

3.11	If the case is deferred for the submission of a report by the Director of Central Services & Deputy Chief Executive on the possibility of costs or compensation being awarded against the Council pursuant to Committee Procedure Rule 15.24 no further public speaking shall be permitted at future meetings of the <del>Area Planning Committee</del> <u>Planning or full Council</u> at which the application is considered.
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(Updated: Council of 8 July 2025)

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## PROTOCOL E: MEMBERS' PLANNING CODE OF GOOD PRACTICE

<b>E1</b>	<b>Introduction</b>
E1.1	This Code has been prepared using the advice in the Local Government Association's guidance note on good planning practice for councillors and officers dealing with planning matters – Probity in Planning ( <del>April 2013</del> <u>December 2019</u> )
E1.2	<p>This Code of good practice applies to councillors at all times when they are involved in the planning process. This includes when you are:</p> <ul style="list-style-type: none"> <li>- acting as a member of <del>an the area planning committee</del><u>Planning Committee</u>;</li> <li>- <del>taking part in a debate on a planning application or other development control matter in another area planning committee</del>;</li> <li>- <del>acting as a member of the Full Council when it is determining a planning application or other development control matter</del>;</li> <li>- involved in informal meetings e.g. with officers or public and consultative meetings;</li> <li>- involved outside the committee on a planning application or other development control matter, including planning enforcement matters or site specific issues</li> </ul> <p>and use of the expression "planning committee" should be taken to refer to the forum for any of these activities.</p> <p>This Code also applies to Members when dealing with site-specific issues in connection with the Local Plan.</p>
E1.3	<p>The aim of this Code is to ensure that:</p> <ul style="list-style-type: none"> <li>- in the planning process there are no grounds for suggesting that a decision has been biased, partial or is not well founded in any way.</li> <li>- You must make planning decisions openly and impartially with sound judgment and for clear and justifiable reasons.</li> <li>- Development is managed in the public interest</li> </ul>
E1.4	The Human Rights Act 1998 has implications for the planning system and creates enhanced requirements for procedural fairness, transparency and accountability in determining planning applications.

E1.5	This Code is intended to minimise the prospect of legal or other challenges to planning decisions. However, non-compliance without good reason can be taken into account in investigations into possible maladministration or may have implications for the standing of councillors and the council as a whole. It could also lead to a complaint to the Monitoring Officer against an individual member.				
<b>E2</b>	<b>Relationship with the Members` Code of Conduct</b>				
E2.1	This Planning Code of good practice is designed for Members when discharging planning functions of the Council. Whilst it interprets the Members` Code of Conduct with respect to planning matters it is subordinate to the Members` Code of Conduct and in the event of any inconsistencies arising between this code and the Members` Code of Conduct, the latter shall prevail.				
<b>E3</b>	<b>Declaration of Interests</b>				
E3.1	The Members` Code of Conduct places requirements on councillors as to the notification and declaration of their interests and participation in the business of the Council in light of those interests. These requirements must be followed scrupulously and councillors should review their situation regularly. Advice can always be sought from the Monitoring Officer or one of the Council's solicitors as to whether an interest may exist; however <b>ultimate responsibility for compliance rests with individual councillors.</b>				
E3.2	<p>You can have an interest in a planning application in a number of different ways. It may, for example, be an application which relates to property in which you or your partner have a direct interest e.g. as owner. Alternatively, it may be an application which may reasonably be regarded as affecting the financial position of yourself and/ or an Associated Person e.g. a member of your family and where a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice public interest.</p> <p>These interests are defined in the Code of Conduct as Disclosable Pecuniary Interests (DPIs) and Other Significant Interests (OSIs).</p>				
E3.3	<p>If you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Council, then you</p> <table border="1" data-bbox="288 1720 1426 1973"> <tr> <td>(a)</td> <td>must notify the Monitoring Officer of the existence and nature of the interest (if not already notified) as soon as you become aware of this;</td> </tr> <tr> <td>(b)</td> <td>not participate in any discussion of, or vote taken on, the matter at a meeting (unless you have obtained a dispensation from the Monitoring Officer or General Purposes Committee as appropriate);</td> </tr> </table>	(a)	must notify the Monitoring Officer of the existence and nature of the interest (if not already notified) as soon as you become aware of this;	(b)	not participate in any discussion of, or vote taken on, the matter at a meeting (unless you have obtained a dispensation from the Monitoring Officer or General Purposes Committee as appropriate);
(a)	must notify the Monitoring Officer of the existence and nature of the interest (if not already notified) as soon as you become aware of this;				
(b)	not participate in any discussion of, or vote taken on, the matter at a meeting (unless you have obtained a dispensation from the Monitoring Officer or General Purposes Committee as appropriate);				

	(c)	withdraw from the meeting room whenever it becomes apparent that the matter is being considered
	(d)	not seek to improperly influence a decision about that business.
E3.4	If you have an Other Significant Interest in any business of the Council then you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose. Having made your representations, given evidence or answered questions you must:	
	(a)	not participate in any discussion of, or vote taken on, the matter at the meeting; and
	(b)	withdraw from the meeting room in accordance with the Council's Procedure Rules.
E3.5	You should also make known any DPI or OSI at informal meetings or discussions including those held with officers or other councillors and third parties.	
<b>E4</b>	<b>"Pre-determination" (fettering discretion) and "apparent bias"</b>	
E4.1	In addition to taking appropriate action in relation to DPIs and OSIs, Members of the <del>Area Planning Committee</del> <u>Planning Committees</u> need to avoid bias or predetermination or any appearance of bias or predetermination before taking a decision on a planning application.	
E4.2	If you have taken a firm view on a planning matter, or if it appears that you have made up your mind before the formal consideration of a planning application, it may appear to a member of the public that you may have formed what is called a "pre-determined view" on the matter – this used to be described as having "fettered one's discretion".	
E4.3	In some circumstances you might reasonably appear to a member of the public to have a pre-determined view on an application, by reason of comments made or close contact with an applicant or representor, even though this is not the case. This is described as "apparent bias" and may put you in the same position as one who has fettered their discretion. It is important to remember that it is the public's perception which is important here.	
E4.4	If you have fettered your discretion and then take part in the decision, that will put the Council at risk of a finding of maladministration. It could also lead to legal proceedings to challenge the decision on grounds of there being a danger of bias or pre-determination or a failure to take into account all factors enabling the proposal to be considered on its specific merits. It may also give	

	rise to a complaint to the Council's Monitoring Officer.
E4.5	As long as you do not have an interest, and have not fettered your discretion, you can still act as a ward councillor and address the committee in the usual way: if you have an interest the rules at paragraph E3.3 above will apply.
E4.6	Areas in which you need to give particular consideration are set out below.
<b><i>Lobbying By Other Councillors</i></b>	
E4.7	If you lead, represent or are a member of a group whose primary purpose is to lobby in support or against a planning application, you may have fettered your discretion. Depending on your involvement, you may also have an interest. This may be so, even if you were appointed to the body by the Borough Council.
E4.8	The position in paragraph E4.7 is distinct from membership of general interest groups which reflect your area of interest, for example the RSPB, the Ramblers' Association or a local historical society (unless you have a position of control or management in the organisation. However, you should still disclose the existence of an interest where appropriate. If, at the time of declaring that interest you are able to say that you were not involved in preparing that representation and have reserved your judgement, then you will not have fettered your discretion. However, if you cannot say so, you will have fettered your discretion.
E4.9	You should not lobby other councillors regarding their views on planning applications. Nor should you, outside of the planning committee meeting, try to persuade other councillors how to vote.
E4.10	You should not decide, or discuss, how to vote on planning applications at political group meetings or other meetings or lobby other members to do so. Political group meetings should never dictate how members should vote on planning applications. The use of a political whip to seek to influence the outcome of a planning application is likely to be regarded as maladministration.
<b><i>Lobbying of Councillors by other persons</i></b>	
E4.11	Lobbying is a normal and perfectly proper part of the political process. Those who may be promoting or affected by a planning decision will often be seeking to influence it through an approach to their elected ward councillor, another councillor or a member of a planning committee. However where you are a member of a planning committee which will determine the application, lobbying can lead to a challenge to your integrity and impartiality. This can, in turn, affect the validity of a planning decision.
E4.12	Councillors are entitled to have a view on planning proposals submitted or to be submitted to the Council. The simple expression of a prior view does not

	<p>preclude you from taking part in the decision making process. If you decide that you wish to participate in the determination of a planning application you should explain to persons lobbying or attempting to lobby you that, whilst you can listen to what is said, it would prejudice your impartiality and your ability to participate in the decision if you give a firm statement of how you intend to vote or such a firm point of view that it amounts to the same thing. For the avoidance of doubt you will not have fettered your discretion:</p> <ul style="list-style-type: none"> <li>- by just listening to viewpoints from residents or interested parties;</li> <li>- by making comments which fall short of prejudging the issue;</li> <li>- by seeking information through appropriate channels;</li> <li>- by acting as a vehicle for the expression of views as a ward councillor;</li> </ul> <p>providing that you have not committed yourself to vote in accordance with those views and that you are not acting as an advocate for a particular viewpoint.</p>		
E4.13	When you participate in a planning decision, your overriding duty is to the community as a whole and not just to people in your ward. As decisions need to be taken impartially you must not improperly favour, or appear to improperly favour, any person, company, group or locality.		
E4.14	You should not accept gifts or hospitality from any person involved in or affected by a planning application. It is advisable to let the monitoring officer know if you feel that you have been exposed to excessive lobbying or offers of gifts or hospitality linked to a planning application. It may be wise, and in your own best interests, to make a written notification to the Monitoring Officer that a gift, benefit or hospitality has been offered and refused.		
E4.15	It is good practice to: <ul style="list-style-type: none"> <li>- forward copies of lobbying correspondence to the Director of Planning, Housing and Regulatory Services;</li> <li>- advise the Director of Planning, Housing and Regulatory Services of any offers of planning gain or constraint on development made to them;</li> <li>- comply with guidance on lobbying or attending presentations or discussions set out this protocol.</li> </ul>		
<b>E5</b>	<b>Contact with applicants, developers and objectors</b>		
E5.1	You should refer those who approach you for assistance on planning, procedural or technical matters to the relevant officers.		
E5.2	The following rules should be applied in respect of presentations about planning proposals: <table border="1" data-bbox="287 1915 1428 2022"> <tr> <td>(a)</td> <td>You should not attend private planning presentations unless you have taken advice from one of the Council's solicitors as to the appropriateness of attending. Officers should be present with councillors</td> </tr> </table>	(a)	You should not attend private planning presentations unless you have taken advice from one of the Council's solicitors as to the appropriateness of attending. Officers should be present with councillors
(a)	You should not attend private planning presentations unless you have taken advice from one of the Council's solicitors as to the appropriateness of attending. Officers should be present with councillors		

		in any pre-application meetings.
	(b)	A written note should be made of all meetings. A note should also be taken of any phone conversations and relevant emails recorded for the file. The note(s) should be placed on the file as a public record. If there is a legitimate reason for confidentiality regarding a proposal, a note of the non-confidential issues raised or advice given can still normally be placed on the file.
	(c)	Questions should be limited to those necessary to clarify your understanding of proposals.
	(d)	Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage. Neither should they become drawn into any negotiations, which should be done by officers (keeping interested councillors up to date) to ensure that the Borough Council's position is co-ordinated.
	(e)	It must be remembered that the presentation is not a part of the formal planning process. The presentation is a form of lobbying and councillors who will be determining the application should avoid expressing views on how they will vote.
<b>E6</b>	<b>Site Inspections</b>	
E6.1	A Members site inspection can be carried out where an application is to be determined by <del>an the Area Planning Committee</del> <u>Planning Committee</u> . The Committee Chair <del>man</del> , in consultation with the Head of Planning, will normally identify the need for any site inspections in advance of meetings of the Committee. Otherwise, only exceptionally should an item be deferred for a site inspection and it should only take place if voted for by a majority of the <del>Area Planning Committee</del> <u>Planning Committee</u> .	
E6.2	A Councillor who believes a site inspection is necessary in a particular case, having careful regard to the criteria below, is encouraged to contact the Head of Planning as soon as possible. A Councillor making such a request should state under which of the four criteria below the Inspection is requested and also provide supporting justification. The Head of Planning will then consult with the Chair <del>man</del> of the <del>Area Planning Committee</del> <u>Planning Committee</u> regarding the request for the site inspection. The same justification is required should the Head of Planning believe a site inspection is necessary.	
E6.3	A Members' Site inspection should only be used where the benefit of doing so is clear and substantial. The decision to hold a site inspection must fit at least one of the following criteria:	
	(a)	Particular site factors are so significant in terms of weight attached to them, relative to other factors, and that a site inspection would be the only way to assess those factors.

	(b)	It is essential in order to reach a view on an application that the specific and particular characteristics of the site need to be viewed on the ground in order to assess the broader material impact of the proposal.
	(c)	The proposal raises specific matters in respect of site characteristics, the importance of which can only be established by means of a site inspection.
	(d)	The proposal is of such a major or strategic scale that a site inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
E6.4		The purpose of a site inspection is solely for Planning Committee Members to view the site and its surroundings and to relate the application proposals to the site. Officers will explain the submitted drawings. Neither the applicant, their agent nor any supporters or objectors should take part. Where an applicant or land owner and/or their agent have to be present to allow access to the site, the visiting Members should stand away from them (or if necessary, politely ask the applicant or owner to stand away) and should not engage in any discussions.
E6.5		One representative from the Parish Council, in whose area the site is located, may attend the site inspection. The Parish Council representative may observe proceedings, but should not take part or engage in any discussions. The relevant Parish Council will be notified in advance of the date and time the site inspection is scheduled to take place and should advise Committee Services if they wish a representative to be present.  Access to the site by the Parish Council representative is at the discretion of the landowner.
E6.6		Members should avoid any discussion of the merits of the case on site, on the journey to/from the site, or anywhere other than the subsequent Committee meeting when the application is reported for determination. No decision will be taken on site.  The application will normally be considered at the next ordinary meeting of the <del>Area Planning Committee</del> <u>Planning Committee</u> .
<b>E7</b>		<b>Contact with Officers</b>
E7.1		General guidance is given in the Protocol on Member/Officer relations in Part 5 (Codes) of the Constitution and that is not repeated here.
E7.2		You should not put pressure on officers for a particular recommendation or decision, nor do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity. However this does not prevent you from asking questions or submitting views to a relevant officer.

E7.3	Officers must act in accordance with the Officers' Code of Conduct in this Part the Constitution and any relevant professional codes of conduct, for example the Royal Town Planning Institute's code of professional conduct. As a result, the planning officers' views will be presented on the basis of their overriding professional obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the committee or its members.
<b>E8</b>	<b>Planning applications made by Councillors and Officers and Council Development</b>
<b>Applications submitted by councillors and officers</b>	
E8.1	It is perfectly legitimate for planning applications or development plan proposals to be submitted by councillors and officers. However, proposals to the Council by councillors and officers and their close friends and relatives can easily give rise to suspicions of impropriety. It is therefore vital to ensure that they are handled in a way that gives no grounds for accusations of bias or pre-determination.
E8.2	Councillors and officers who submit proposals should notify the Monitoring Officer of the proposal, play no part in its processing or determination and not seek to improperly influence a decision about such proposals.
E8.3	All such proposals shall be subject to the relevant statutory public consultation requirements. Where objections have been raised, the application shall be decided by the <del>relevant area planning committee</del> <u>Planning Committee</u> and not dealt with by officers under delegated powers.
E8.4	The relevant requirements set out in the Members' Code of Conduct regarding participation and voting at meetings must be observed e.g. a councillor with a DPI may not participate in the consideration of the matter and may therefore not speak. Such councillors will need to have a representative speak on their behalf.
E8.5	Members considering an application to be determined by committee must, of course, consider whether the nature of any relationship with the member or officer submitting the planning application requires the declaration of a DPI or OSI.
E8.6	<p>Serving councillors and officers should avoid acting as agents for people pursuing a planning matter and where they do must play no part in the decision making process for that proposal. Particular arrangements may need to be made in respect of councillors whose business is, or includes, the making of planning applications on behalf of others. These arrangements may include the following provisions:</p> <ul style="list-style-type: none"> <li>• Planning applications submitted by the councillor as agent should be</li> </ul>

	<p>notified to the Director of Planning, Housing and Regulatory Services, Director of Central Services &amp; Deputy Chief Executive, Head of Planning Services, Head of Legal and Democratic Services and the Development Manager;</p> <ul style="list-style-type: none"> <li>• All decisions taken by Planning Services in respect of applications submitted by the councillor will need to be counter-signed by a second signatory e.g the Development Manager or Head of Planning Services;</li> <li>• The councillor should take no part in any decision taken in respect of any application submitted by them. This will mean withdrawing from the room should an application fall to be determined by the <del>Area Planning Committee</del><u>Planning Committee</u> of which they are a member and taking no part in the discussion or vote;</li> <li>• In the event that any objections are received to an application, it will need to be determined at the <del>relevant Area Planning Committee</del><u>Planning Committee</u>;</li> <li>• The potential for a conflict of interest may arise should an application be submitted by a local resident (or an agent on their behalf) which conflicts with the interests of a client of the councillor in question. Should this arise then the councillor would need to declare a conflict of interest and seek further advice from the Monitoring Officer on the appropriate way forward.</li> </ul>
<b>Applications submitted by the Council</b>	
E8.7	<p>Proposals for development submitted by the Council must be treated no differently to any other application.</p> <p>To ensure that planning applications submitted by the Council are determined openly and transparently all applications for planning permission submitted by the Council will be determined by <del>Full Council</del><u>the Planning Committee</u>.</p>
E8.8	<p>Occasionally some councillor's e.g. Cabinet Members, may through their other roles outside of <del>an the Area Planning Committee</del><u>Planning Committee</u>, have been committed to or involved in a development proposal by the Council. In such circumstances, where such an item comes to be considered by the Council in its capacity as Local Planning Authority the councillor concerned must consider whether they have had a degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer.</p>
<b>E9</b>	<b>Decision Making</b>
E9.1	<p>Under the Council's Constitution, most decisions on planning matters are delegated to the Director of Planning, Housing and Regulatory Services except in certain circumstances set out in the table of delegations. One of those circumstances is where a member for the relevant ward in which the application site falls (or adjoining ward member in specified circumstances), with reasoned justification, requested that the application be determined by the relevant planning committee. In those cases, it is imperative that members</p>

	state clearly their justification (in planning terms) for requiring an application to be reported to the planning committee. In every case, members are advised to frame their comments in such a way as not to give any appearance of pre-determination in respect of the matter. Any comments you have made will be included in the public register and may have to be disclosed to the public under the Freedom of Information Act or Environmental Information Regulations.
E9.2	When you have to make a planning decision you must:
(a)	come to meetings with an open mind and demonstrate you are open minded;
(b)	comply with section 54A of the Town and Country Planning Act 1990 and make decisions only in accordance with the development plan unless material considerations indicate otherwise;
(c)	not vote or take part in the meeting's discussions on a proposal unless present to hear the entire debate including any officer introduction/presentation;
(d)	come to a decision only after due consideration of all information reasonably required upon which to base such a decision;
(e)	request further information if you consider that there is insufficient information before the committee upon which to reach a decision;
(f)	where proposing, seconding or supporting a decision contrary to officer recommendations or the development plan, identify the planning reasons behind the decision before the vote is taken which may have to be justified in the event of any appeal or other challenge.
<b>E10</b>	<b>Training</b>
E10.1	You should not participate in decision-making meetings dealing with planning matters unless you have attended any prescribed training.

## Council

12 May 2026

## Part 1 - Public

## Matters for Decision



Cabinet Member

N/A

Responsible Officer

Adrian Stanfield, Director of Central Services and Deputy Chief Executive;  
Joy Ukadike, Head of Legal and Democratic Services

Report Author

Allison Parris, Principal Democratic Services Officer

## Political Balance Arrangements for Committees

### 1 Summary and Purpose of Report

- 1.1 To determine the political balance arrangements for the Borough Council's committees.
- 1.2 Under section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) Regulations 1990, the Borough Council is required to review the composition of any of its committees and sub-committees to which those provisions apply at the annual meeting of the Council and after any election.

### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Proper and appropriate political representation is key to good governance and decision making. Failure to acknowledge and deal with any political balance changes could lead to improper governance and ineffective decision making.

### 3 Recommendations

- 3.1 That the composition of all committees be approved in accordance with the table set out in Annex A and the Monitoring Officer make any consequential amendments to the Council's Constitution in respect of political balance.

### 4 Introduction and Background

- 4.1 The number of seats held by each of the political parties is as follows:

<b>Group</b>	<b>Total</b>	<b>%</b>
Conservative	21	47.73
Liberal Democrat	11	25.00
Green	8	18.18
Labour	2	4.55
Independent Alliance (Kent)	2	4.55
<b>Total</b>	<b>44</b>	<b>100</b>

- 4.2 The Borough Council is required to determine the composition of its ordinary committees to reflect this political balance and to ensure that:
- (a) Not all seats on the committee to which appointments are made are allocated to the same political group;
  - (b) The majority of seats on the committee are allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
  - (c) Subject to (a) and (b), the total number of seats allocated to a particular political group reflects that group's proportion of the membership of the authority;
  - (d) Subject to (a) and (c) the number of seats on each committee allocated to a particular group reflects that proportion of the membership of the authority.
- 4.3 The duty of the Borough Council is to give effect to the above principles **so far as reasonably practicable**. This recognises that there cannot be an exact application of the rules.

## **5 Proposal**

- 5.1 The table at Annex A shows the number of committees of various sizes which need to be politically balanced and the way in which the total number of available seats might be allocated to reflect the proportions of the Borough Council as a whole. This table has been prepared on the basis that Members approve the proposal at Item 9 of the agenda to create a single planning committee to replace the existing 3 Area Planning Committees.

- 5.2 Should Members decline to approve the proposal to create a single planning committee then an alternative political balance table has been prepared (Annex B).

## **6 Other Options**

- 6.1 A number of configurations were considered but the proposal outlined in Annex A provides the best political balance.
- 6.2 Political balance is calculated to show the objective division of committee seats across committees. Groups may wish to confirm alternative arrangements to seat allocation, which is known as 'manual adjustment'.

## **7 Financial and Value for Money Considerations**

- 7.1 There are no direct financial implications related to the change in political balance. The cost of servicing committees will be met through existing budgets.

## **8 Risk Assessment**

- 8.1 Proper and appropriate political representation is key to good governance and decision making. Failure to acknowledge and deal with any political balance changes could lead to improper governance and ineffective decision making.

## **9 Legal Implications**

- 9.1 The Borough Council is required to review the composition of its committees in accordance with the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) Regulations 1990.

## **10 Consultation and Communications**

- 10.1 Full Council is required to note and agree any changes to political balance and its impact on committee appointments. Presenting a revised political balance report at Full Council is a statutory requirement.
- 10.2 Consultation has been undertaken in respect of this report with the leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocation of seats on committees and their respective nominations will be considered else on the agenda for this meeting.

## **11 Implementation**

- 11.1 If agreed at Annual Council, the political balance arrangements 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	None
Annex A	Allocation of seats to reflect political balance (with single planning committee)
Annex B	Allocation of seats to reflect political balance (without single planning committee)

## Annex A

Committee	Size	Con	Green	Ind All	Lab	Lib. Dem.	Other
Overview and Scrutiny	17	8	3	1	0	5	
Licensing and Appeals	13	6	3	0	1	3	
Communities and Environment Scrutiny Select Committee	13	6	2	1	1	3	
Finance, Regeneration and Property Scrutiny Select Committee	13	6	2	1	1	3	
Housing and Planning Scrutiny Select Committee	13	6	2	1	1	3	
Planning Committee (new)	13	6	2	1	1	3	
General Purposes	11	6	2	0	0	3	
Joint Standards	11	6	2	0	0	3	
Audit	7	3	2	0	0	2	
<b>Total Number of Seats</b>	<b>111</b>	<b>53</b>	<b>20</b>	<b>5</b>	<b>5</b>	<b>28</b>	
<b>Total Number of Seats Allocated</b>						<b>111</b>	

JECC*	7	3	2	0	0	2	
Joint Transportation Board*	7	3	2	0	0	2	
Housing Association Liaison Panel*	5	3	1	0	0	1	

\*these are not ordinary meetings of the Council for the purposes of the relevant legislation governing political balance.

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<b>Committee</b>	<b>Size</b>	<b>Con</b>	<b>Green</b>	<b>Ind All</b>	<b>Lab</b>	<b>Lib. Dem.</b>	<b>Other</b>
Overview and Scrutiny	17	8	3	1	0	5	
Licensing and Appeals	13	6	3	0	1	3	
Communities and Environment Scrutiny Select Committee	13	6	2	1	1	3	
Finance, Regeneration and Property Scrutiny Select Committee	13	6	2	1	1	3	
Housing and Planning Scrutiny Select Committee	13	6	2	1	1	3	
General Purposes	11	6	2	0	0	3	
Joint Standards	11	6	2	0	0	3	
Audit	7	3	2	0	0	2	
<b>Total Number of Seats</b>	<b>98</b>	<b>47</b>	<b>18</b>	<b>4</b>	<b>4</b>	<b>25</b>	
<b>Total Number of Seats Allocated</b>						<b>98</b>	

JECC*	7	3	2	0	0	2	
Joint Transportation Board*	7	3	2	0	0	2	
Housing Association Liaison Panel*	5	3	1	0	0	1	

\*these are not ordinary meetings of the Council for the purposes of the relevant legislation governing political balance.

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## Council

12 May 2026

## Part 1 - Public

## Matters for Decision



Cabinet Member	Cllr Matt Boughton, Leader of the Borough Council
Responsible Officer	Adrian Stanfield, Director of Central Services and Deputy Chief Executive; Joy Ukadike, Head of Legal and Democratic Services
Report Author	Allison Parris, Principal Democratic Services Officer

## Appointments to Cabinet 2026/27

### 1 Summary and Purpose of Report

- 1.1 The Borough Council are asked to note the appointments made by the Leader to the Cabinet and the portfolios they will hold.

### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Supports effective governance and decision making.

### 3 Recommendations

- 3.1 That the appointments to Cabinet for the municipal year 2026/27 be noted, as set out at Annex 1 to the report.

### 4 Introduction and Background

- 4.1 The Executive carry out the functions that are not the responsibility of any other part of the Borough Council, whether by law or in accordance with Article 6 of the Constitution.
- 4.2 Cabinet members are appointed annually by the Leader and will normally hold office until the next Annual meeting of Council when they may be re-appointed.
- 4.3 Political balance requirements of Section 15 of the Local Government and Housing Act 1989 do not apply to the composition of the Executive.

4.4 The Leader recommends for adoption at the Annual meeting of Council a Scheme of Delegation (set out in Part 3 of the Constitution) advising which Cabinet Members are responsible for particular executive functions.

## **5 Proposal**

5.1 The appointments to Cabinet made by the Leader are set out at Annex 1.

## **6 Other Options**

6.1 In accordance with the Constitution, appointments to the Cabinet are the responsibility of the Leader and the preferred option is set out in Annex 1.

## **7 Financial and Value for Money Considerations**

7.1 There are no direct financial implications related to these appointments. The cost of servicing committees will be met through existing budgets.

## **8 Risk Assessment**

8.1 Proper and appropriate political representation is key to good governance and decision making.

## **9 Legal Implications**

9.1 Executive functions are defined as all functions that are not the responsibility of any other part of the Council, whether by law or under its Constitution. The Leader will determine a Scheme of Delegation for the discharge of the Cabinet (Executive) functions.

9.2 A significant function of the Cabinet is to exercise collective responsibility for its decisions. The Cabinet will take all key decisions and individual Cabinet Members can take non-key decisions.

## **10 Consultation and Communications**

10.1 The Leader has consulted with his Group in determining the appointments.

## **11 Implementation**

11.1 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	None
Annex 1	Appointments to Cabinet

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## Council

12 May 2026

## Part 1 - Public

## Matters for Decision



Cabinet Member	N/A
Responsible Officer	Adrian Stanfield, Director of Central Services and Deputy Chief Executive, Joy Ukadike, Head of Legal and Democratic Services
Report Author	Allison Parris, Principal Democratic Services Officer

## Appointments to Committees 2026/27

### 1 Summary and Purpose of Report

- 1.1 At each Annual meeting of the Council and beginning of the municipal year, Members are asked to approve the membership of Committees in accordance with the Terms of Reference and delegated responsibilities set out in the Constitution.

### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Formal appointments reflecting determined political balance arrangements supports effective governance and decision making.

### 3 Recommendations

- 3.1 That the appointments to Committees for the municipal year 2026/27 be approved in accordance with Members preferred option as set out at Annex 2 to the report.

### 4 Introduction and Background

- 4.1 In order for the Council to conduct its business, formal appointments are required for each Committee to reflect the determined political balance arrangements.
- 4.2 Details of the Borough Council's current political balance arrangements are set out elsewhere on the agenda.
- 4.3 The functions for which Committees have delegated responsibility are set out in Part 3 of the Constitution.

## **5 Proposal**

- 5.1 Each Group Leader has considered the membership of Committees and the nominations received are set out in Annex 2.
- 5.2 Consideration was also given to consequential changes arising from the implementation of planning committee reforms under the Planning and Infrastructure Act 2025 and these are set out at Option A in Annex 2.

## **6 Other Options**

- 6.1 The proposal presented is the preferred option following consultation with Group Leaders.

## **7 Financial and Value for Money Considerations**

- 7.1 There are no direct financial implications related to these proposals. The cost of servicing committees will be met through existing budgets.

## **8 Risk Assessment**

- 8.1 Proper and appropriate political representation is key to good governance and decision making. Failure to acknowledge and deal with any political balance changes could lead to improper governance and ineffective decision making.

## **9 Legal Implications**

The Borough Council is required to review the composition of its committees in accordance with the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) regulations 1990.

## **10 Consultation and Communications**

- 10.1 Full Council is required to note and agree any changes to political balance and its impact on committee appointments. Presenting a revised political balance report at Full Council is a statutory requirement.
- 10.2 Consultation has been undertaken in respect of this report with the leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocation of seats on committees and their respective nominations will be considered else on the agenda for this meeting.

## 11 Implementation

11.1 If agreed at Annual Council the appointments to committees etc 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	None
Annex 2	Appointments to Committees

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## Council

12 May 2026

## Part 1 - Public

## Matters for Decision



Cabinet Member	N/A
Responsible Officer	Adrian Stanfield, Director of Central Services and Deputy Chief Executive
Report Author	Allison Parris, Principal Democratic Services Officer

## Appointments to Scrutiny Select Committees, Panels and Other Member Groups

### 1 Summary and Purpose of Report

- 1.1 At each Annual meeting of the Council and beginning of the municipal year, Members are asked to approve the membership of Scrutiny Select Committees, Panels and Other Member Groups in accordance with the Terms of Reference and delegated responsibilities set out in the Constitution.

### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Formal appointments reflecting determined political balance arrangements supports effective governance and decision making.

### 3 Recommendations

- 3.1 That the appointments to Scrutiny Select Committees, Panels and Other Member Groups for the municipal year 2026/27 be approved in accordance with Members preferred option as set out at Annex 3 to the report.

### 4 Introduction and Background

- 4.1 In order for the Council to conduct its business, formal appointments are required for each Scrutiny Select Committee, Panel and Other Member Groups to reflect the determined political balance arrangements (where they apply).
- 4.2 Details of the Borough Council's current political balance arrangements are set out elsewhere on the agenda.

- 4.3 The main function of the Scrutiny Select Committees, Panels and Other Member Groups is to advise the Executive in accordance with Part 3 of the Constitution.

## **5 Proposal**

- 5.1 Each Group Leader has considered the membership of Committees and the nominations received are set out in Annex 3.
- 5.1 Consideration was also given to consequential changes arising from the implementation of planning committee reforms under the Planning and Infrastructure Act 2025 and these are set out at Option A in Annex 3.
- 5.2 It should be noted that there is no requirement for the Parish Partnership Panel or Tonbridge Community Forum to be politically balanced as they are for the exchange of information and discussion with parish councils and Tonbridge based organisations.
- 5.3 There is also no requirement for the Housing Association Liaison Panel, the Joint Transportation Board and the Joint Employee Consultative Committee (JECC) to be politically balanced as they aren't ordinary committees of the Council for the purposes of the relevant legislation governing political balance. However, the Leader, in consultation with Group Leaders, is satisfied that political balance principles should be applied for ease of nominations.

## **6 Other Options**

- 6.1 The proposal presented is the preferred option following consultation with Group Leaders.

## **7 Financial and Value for Money Considerations**

- 7.1 There are no direct financial implications related to these proposals. The cost of servicing committees will be met through existing budgets.

## **8 Risk Assessment**

- 8.1 Proper and appropriate political representation is key to good governance and decision making. Failure to acknowledge and deal with any political balance changes could lead to improper governance and ineffective decision making.

## **9 Legal Implications**

- 9.1 The Borough Council is required to review the composition of its committees in accordance with the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) regulations 1990.

## 10 Consultation and Communications

- 10.1 Full Council is required to note and agree any changes to political balance and its impact on committee appointments. Presenting a revised political balance report at Full Council is a statutory requirement.
- 10.2 Consultation has been undertaken in respect of this report with the leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocation of seats on committees and their respective nominations will be considered else on the agenda for this meeting.

## 11 Implementation

- 11.1 If agreed at Annual Council the appointments to committees etc 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	None
Annex 3	Appointments to Scrutiny Select Committees Appointments to Panels and Other Groups

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## Council

12 May 2026

## Part 1 - Public

## Matters for Decision



Cabinet Member	N/A
Responsible Officer	Adrian Stanfield, Director of Central Services and Deputy Chief Executive
Report Author	Allison Parris, Principal Democratic Services Officer

## Appointments to Chair and Vice-Chair 2026/27

### 1 Summary and Purpose of Report

- 1.1 At each Annual meeting of the Council and beginning of the municipal year, Members are asked to approve the appointment of Chair and Vice-Chair for Committees, Panels and Other Member Groups for the forthcoming year.

### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Formal appointments reflecting determined political balance arrangements supports effective governance and decision making.

### 3 Recommendations

- 3.1 That the appointments to serve as Chair and Vice-Chair for the municipal year 2026/27 be approved in accordance with Members preferred option as set out at Annex 4 to the report.

### 4 Introduction and Background

- 4.1 In order for the Council to conduct its business, formal appointments are required for each Scrutiny Select Committee, Panel and Other Member Groups to reflect the determined political balance arrangements (where they apply).
- 4.2 The role of the Chair is to manage the conduct of the meeting and ensure they are conducted in an orderly manner and in accordance with the Committee Procedure Rules set out in Part 4 of the Constitution.

## **5 Proposal**

- 5.1 The nominations for Chair and Vice-Chair are set out in Annex 4.
- 5.2 Consideration was also given to consequential changes arising from the implementation of planning committee reforms under the Planning and Infrastructure Act 2025 and these are set out at Option A in Annex 4.

## **6 Other Options**

- 6.1 The proposal presented is the preferred option following consultation with Group Leaders.

## **7 Financial and Value for Money Considerations**

- 7.1 There are no direct financial implications related to these proposals. The cost of servicing committees will be met through existing budgets.

## **8 Risk Assessment**

- 8.1 Proper and appropriate political representation is key to good governance and decision making. Failure to acknowledge and deal with any political balance changes could lead to improper governance and ineffective decision making.

## **9 Legal Implications**

- 9.1 The Borough Council is required to review the composition of its committees in accordance with the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) regulations 1990.

## **10 Consultation and Communications**

- 10.1 Full Council is required to note and agree any changes to political balance and its impact on committee appointments. Presenting a revised political balance report at Full Council is a statutory requirement.
- 10.2 Consultation has been undertaken in respect of this report with the leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocation of seats on committees and their respective nominations will be considered else on the agenda for this meeting.

## **11 Implementation**

- 11.1 If agreed at Annual Council the appointments to committees etc 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	None
Annex 4	Appointments as Chair and Vice-Chair

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## Council

12 May 2026

## Part 1 - Public

## Matters for Decision



Cabinet Member	N/A
Responsible Officer	Adrian Stanfield, Director of Central Services and Deputy Chief Executive
Report Author	Allison Parris, Principal Democratic Services Officer

## Appointments to Outside Bodies 2026/27

### 1 Summary and Purpose of Report

- 1.1 At each Annual meeting of the Council and beginning of the municipal year, Members are asked to approve appointments to Outside Bodies for the forthcoming year.

### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Formal appointments reflecting determined political balance arrangements supports effective governance and decision making.

### 3 Recommendations

- 3.1 That the annual appointments to Outside Bodies for the municipal year 2026/27 be approved, as set out at Annex 5 to the report;
- 3.2 That the non-annual appointments to Outside Bodies for the municipal year 2026/27 be approved, as set out at Annex 5 to the report;
- 3.3 That the Maidstone Mediation Scheme be removed from the Outside Bodies Schedule;
- 3.4 That the Youth and Community Centres (KCC) be removed from the Outside Bodies Schedule;
- 3.5 That the amalgamation of the Lower Medway Drainage Board into a newly established North Kent Marshes Water Level Management Board as of 1 April 2026 be noted;

- 3.6 That the term of office for Mr Eddie Prescott, Trustee at Tonbridge Town Lands and Richard Mylls Charity be extended until October 2030 or ‘vesting day’ of the new unitary authority whichever is sooner; and
- 3.7 That the term of office for Mrs Diane Huntingford, Trustee at Tonbridge Town Lands and Richard Mylls Charity be extended until October 2030 or ‘vesting day’ of the new unitary authority whichever is sooner.

#### **4 Introduction and Background**

- 4.1 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.

#### **5 Proposal**

- 5.1 The nominations for annual and non-annual appointments to Outside Bodies are set out in Annex 5.
- 5.2 A number of changes are also recommended to the Outside Bodies schedule as detailed below:

##### **Annual Appointments**

- 5.2.1 Removal of the KCC Youth and Community Centres/Project Management as the current appointee (Cllr Keers) has had no contact with them. Upon further investigation, there was no present knowledge of this group within the County Council and it is assumed that this an historic body and no longer operational.
- 5.2.2 Removal of the Maidstone Mediation Scheme as the organisation has ceased to operate.
- 5.2.3 Change of name for the Lower Medway Drainage Board as it amalgamated with the newly established North Kent Marshes Water Level Management Board as of 1 April 2026. The number of annual appointments remain unchanged.

##### **Tonbridge Town Lands and Richard Mylls Charity – Non-annual Appointments**

- 5.2.4 The Clerk of the organisation has asked the Borough Council to consider extending the terms of office for two trustees.
- 5.2.5 The terms of the Charity require the income to be applied for the benefit of the inhabitants of the former Urban District of Tonbridge and persons appointed as Town Wardens to be residents or to have extensive knowledge of the area. They may be, but need not be, a member of the Council.

- 5.2.6 That the term of office for Mr Eddie Prescott be extended for a further four-year period.
- 5.2.7 That the term of office for Mrs Diane Huntingford be extended for a further four-year period.
- 5.2.8 The Charity has previously emphasised the value of having a person with a good knowledge of the local area and Mr Prescott and Mrs Huntingford possess an extensive understanding of the work of the Charity and the district.
- 5.2.9 Both appointees have indicated their willingness to accept this nomination.
- 5.2.10 As the Borough Council in its current form will no longer exist after 2028 due to Local Government Reorganisation and to provide the Charity with some security, it is proposed that the term of office be extended to October 2030 or 'vesting day' of the new unitary authority whichever is sooner.

## **6 Other Options**

- 6.1 The other options that could be considered are:-
- Nominating another representative(s)

## **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**

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 Cllr will be their outside body representative.

## **11 Implementation**

- 11.1 If agreed at Annual Council 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	None
Annex 5	Appointments to Outside Bodies

## Council

12 May 2026

## Part 1 - Public

## Matters for Decision



Cabinet Member	N/A
Responsible Officer	Adrian Stanfield, Director of Central Services and Deputy Chief Executive, Joy Ukadike, Head of Legal and Democratic Services
Report Author	Allison Parris, Principal Democratic Services Officer

## Appointments of Substitute Members for 2026/27

### 1 Summary and Purpose of Report

- 1.1 At each Annual meeting of the Council and beginning of the municipal year, Members are asked to approve substitute members for Committees, Boards, Panels and Groups in accordance with Committee Procedure Rule 17 of the Constitution.

### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Formal appointments reflecting determined political balance arrangements supports effective governance and decision making.

### 3 Recommendations

- 3.1 That the appointments for substitute members for the municipal year 2026/27 be approved in accordance with Members preferred option as set out at Annex 6 to the report

### 4 Introduction and Background

- 4.1 A member may act as a substitute for a member of the same political group at any meeting of a Committee, sub-committee, Board or Panel listed in Part 3 of the Constitution.
- 4.2 The Council will allocate seats for up to 5 substitute members per committee/advisory board for each political group on the Council in accordance with the wishes of the political group.

- 4.3 Allocations are to be made at Annual Council but may be reviewed on request from a political group at any ordinary meeting of Full Council.
- 4.4 No substitute members shall be appointed to Cabinet, Licensing and Appeals Committee (or any panels of the Licensing and Appeals Committee) and Area Planning Committees under the Borough Councils current arrangements.
- 4.5 However, the implementation of planning committee reforms under the Planning and Infrastructure Act 2025 are to be considered elsewhere on the agenda and may have consequential changes to the use of substitutes on a planning committee.
- 4.6 Cabinet Members may not act as substitute members on Audit Committee, Overview and Scrutiny Committee and Scrutiny Select Committees.

## **5 Proposal**

- 5.1 Each Group Leader has considered their substitutes and the nominations received are set out in Annex 6.
- 5.2 Consideration was also given to consequential changes arising from the implementation of planning committee reforms under the Planning and Infrastructure Act 2025 and these are set out at Option A in Annex 6.

## **6 Other Options**

- 6.1 The proposal presented is the preferred option following consultation with Group Leaders.

## **7 Financial and Value for Money Considerations**

- 7.1 There are no direct financial implications related to these proposals. The cost of servicing committees will be met through existing budgets.

## **8 Risk Assessment**

- 8.1 Proper and appropriate political representation is key to good governance and decision making. Failure to acknowledge and deal with any political balance changes could lead to improper governance and ineffective decision making.

## **9 Legal Implications**

The Borough Council is required to review the composition of its committees in accordance with the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) regulations 1990.

## 10 Consultation and Communications

- 10.1 Full Council is required to note and agree any changes to political balance and its impact on committee appointments. Presenting a revised political balance report at Full Council is a statutory requirement.
- 10.2 Consultation has been undertaken in respect of this report with the leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocation of seats on committees and their respective nominations will be considered else on the agenda for this meeting.

## 11 Implementation

- 11.1 If agreed at Annual Council the appointments to committees etc 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	None
Annex 6	Substitute Members

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## Council

12 May 2026

## Part 1 - Public

## Matters for Decision



Cabinet Member	Cllr M Boughton, Leader of the Borough Council
Responsible Officer	Adrian Stanfield, Director of Centre Services, Deputy Chief Executive and Monitoring Officer
Report Author	Allison Parris, Principal Democratic Services Officer

## Scheme of Delegations

### 1 Summary and Purpose of Report

- 1.1 Members are invited to confirm the Scheme of Delegations, as set out in Part 3 of the Borough Council's Constitution.

### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 An effective Scheme of Delegation helps the Borough Council comply with its legal obligations and the principles of good governance, allows for faster processing of many routine and administrative decisions and clearly defines who is responsible for what decisions.

### 3 Recommendations

- 3.1 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 agreed;
- 3.2 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 received and noted; and
- 3.3 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

## **4 Introduction and Background**

4.1 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 give effect to Section 13 of the Local Government Act 2000 by specifying which functions:

- a) must not be the responsibility of the Executive (and are Council functions)
- b) may, but need not be the responsibility of the Executive (local choice functions)
- c) are to some extent the responsibility of the Executive (and are shared functions)

4.2 The Scheme of Delegation outlines which decisions can be made by Councillors (via Committees), the Executive (Cabinet) and defines the special powers and functions that Officers can exercise on behalf of the local authority.

4.3 This ensures clear lines of accountability, efficiency in decision-making and that powers are exercised within legal and operational frameworks.

## **5 Key Components of a Scheme of Delegation**

5.1 Specifies the executive and non-executive functions and powers that have been delegated from elected Members to officers.

5.2 Outlines how Directors/Head of Service further delegates powers to other Officers within their Service to make decisions on their behalf.

5.3 Provides a framework for officer decision-making, including clear rules, restrictions and financial limits.

5.4 Ensures there is a clear line of accountability as Officers are expected to exercise delegated authority according to the Scheme.

5.5 Identifies Proper Officers who have been given specific statutory responsibilities or powers under certain legislation, such as the Access to Information Rules.

## **6 Proposal**

6.1 It is proposed that the Scheme of Delegation as set out on pages 43-145 of the Constitution (Part 3 – Responsibilities) be confirmed and no changes are recommended.

## **7 Other Options**

7.1 No other options are presented.

## **8 Financial and Value for Money Considerations**

- 8.1 The confirmation of the Scheme of Delegations does not give rise to any direct financial implications. There are no additional costs arising from the recommendations in this report.
- 8.2 Maintaining an up-to-date and effective Scheme of Delegation supports value for money by enabling decisions to be taken at the appropriate level, avoiding unnecessary delay or escalation, and ensuring that routine and operational matters can be dealt with efficiently by officers within defined limits.
- 8.3 The Scheme also provides clarity around financial thresholds and accountability, supporting sound financial management and effective internal control arrangements across the authority.

## **9 Risk Assessment**

- 9.1 The confirmation of the existing Scheme of Delegation presents a low level of risk. The Scheme provides a clear framework for decision-making and accountability and supports compliance with statutory requirements and principles of good governance.
- 9.2 Failure to maintain or confirm an appropriate Scheme of Delegation could result in uncertainty over decision-making authority, delays in service delivery, or decisions being taken without proper authority, which could expose the Council to legal or reputational risk.
- 9.3 These risks are mitigated by the continued operation of the established Scheme, the requirement for officers to act within delegated powers, and the oversight arrangements set out in the Constitution.

## **10 Legal Implications**

- 10.1 The Scheme of Delegation forms part of the Council's Constitution and is required to ensure compliance with the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- 10.2 Confirming the Scheme ensures that the Council's arrangements for the discharge of executive, non-executive and officer functions remain lawful, transparent and clearly defined. It also supports the proper exercise of statutory powers by Members and officers acting on behalf of the authority.
- 10.3 There are no adverse legal implications arising from the recommendations in this report, as no changes to the Scheme of Delegation are proposed.

## 11 Consultation and Communications

- 11.1 No external consultation has been undertaken as this report proposes the confirmation of the existing Scheme of Delegation contained within Part 3 of the Constitution and does not introduce any changes to current arrangements.
- 11.2 No specific communications activity is required arising from the recommendations in this report.

## 12 Implementation

- 12.1 Subject to approval by Council, the Scheme of Delegation set out in Part 3 of the Constitution will continue to operate without amendment.
- 12.2 There are no implementation actions arising from this report. The Constitution will remain published and accessible in accordance with existing arrangements, and officers and Members will continue to exercise delegated powers in line with the approved Scheme.

## 13 Cross Cutting Issues

### 13.1 Climate Change and Biodiversity

- 13.1.1 Adaptation and resilience have not been considered.
- 13.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.
- 13.1.3 There are no impacts on climate change and biodiversity arising from the confirmation of the Scheme of Delegations.

### 13.2 Equalities and Diversity

- 13.2.1 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	None
Annex(es)	None

## Council

12 May 2026

## Part 1 - Public

## Matters for Decision



Cabinet Member	Cllr Matt Boughton, Leader
Responsible Officer	Adrian Stanfield, Director of Central Services & Deputy Chief Executive
Report Author	Allison Parris, Principal Democratic Services Officer

## Programme of Meetings 2026-27 and 2027-28

### 1 Summary and Purpose of Report

- 1.1 The programme of meetings for the municipal years 2026-2028 are attached for approval.

### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Having a programme in place for the next two years supports an efficient service for all our residents and maintains an effective council by ensuring that the Borough Council has the ability to take decisions in a timely manner.

### 3 Recommendations

- 3.1 That the Programme of Meetings for 2026-2028 be approved in accordance with Members' preference for Option A or Option B, as set out in Annexes 1 and 2.

### 4 Introduction and Background

- 4.1 It is the responsibility of the annual meeting of the Council to approve a programme of meetings for the coming year.
- 4.2 The programme of meetings was approved by Council on 21 April 2026 to go forward to the meeting of Annual Council for adoption.
- 4.3 There are a number of factors to be taken into account when preparing a programme of meetings. The aim is to allow Annual Council to approve a schedule which is fixed for the upcoming municipal year, whilst recognising the need to respond to specific and changing circumstances. If a programme was not

in place the Borough Council's ability to take decisions in a timely manner could be affected.

- 4.4 There were no changes recommended by Members to be made and the final programme is attached at Annexes 1 and 2 (Option A) for adoption.
- 4.5 Any additional meetings required to be made to the programme will be set up in consultation with the relevant Chair, the Leader and Cabinet Member.
- 4.6 Democratic Services will continue to review the cycle for Committees with Services to ensure an even spread of meetings where possible throughout the year.

## **5 Proposal**

- 5.1 The programme of meetings for 2026-2028 as approved by Council on 21 April 2026 is presented for adoption and is set out as Option A.
- 5.2 Elsewhere on the agenda, the Council will consider the implementation of planning committee reforms under the Planning and Infrastructure Act 2025. If these reforms were approved and a single planning committee introduced changes would be required to the programme of meetings as presented.
- 5.3 An alternative programme of meetings reflecting a single planning committee meeting monthly is set out as Option B.
- 5.4 Having the single planning committee meet on a Wednesday provides greatest flexibility and operational control for Development Management and Democratic Services purposes.

## **6 Other Options**

- 6.1 There were no other significant options considered as the framework for Borough Council meetings already exists.
- 6.2 However, consideration was given to avoiding scheduling meetings during school holidays. Whilst this is not practical given the number of meetings to be held small changes have been made where possible to accommodate this request.

## **7 Financial and Value for Money Considerations**

- 7.1 The use of external venues, audio/visual equipment and livestreaming facilities incurs some expenditure arising from room and equipment hire, some of which can be significant.

## **8 Risk Assessment**

- 8.1 There is a risk that the implementation of decisions and/or outcomes could be delayed if there wasn't a programme in place and a meeting couldn't be scheduled at short notice, either due to a venue or Members being unavailable.
- 8.2 It is much more practical for Members in terms of diary management to have a programme in place for the municipal year. This also ensures that all statutory deadlines in respect of publishing notices of meeting and agendas are met.
- 8.3 Members should also note that any risk related to the use of venues and equipment is managed when using Kings Hill as the Health and Safety Officer, the Head of Administration and Property and Head of IT ensure that all appropriate safety checks are undertaken.
- 8.4 However, there is a potential health and safety risk when using other venues and there is a requirement for appropriate safety checks and forms to be completed.
- 8.5 Members should note that there is a risk to the meeting programme being subject to change during 2026-2028 as a consequence of elections, local government reorganisation and any unforeseen circumstances.

## **9 Legal Implications**

- 9.1 Except in the year of election of Councillors, the Borough Council is under a legal duty to hold its annual meeting during a particular period (March/April/ May) and to have calculated the council tax requirement by a specific date (11 March). The programme proposed meets these requirements.
- 9.2 It is also the responsibility of the annual meeting to agree and confirm the Borough Council's programme of meetings for the forthcoming year.

## **10 Consultation and Communications**

- 10.1 Management Team, Senior Officers and Cabinet Members have been consulted on the proposed dates. The detail has been communicated to all councillors via a detailed report to Council on 8 April 2025. Consulting with all Members early in the process provides opportunity for any suggested amendments to be considered in advance of adopting the programme at Annual Council.

## **11 Implementation**

- 11.1 If approved at Annual Council the programme will be effective immediately and available on the Borough Council's website as soon as possible.

## **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.

12.1.3 The Borough Council has adopted a paper light, moving to paperless, approach in circulating meeting papers with agendas available online and via Member iPads.

## 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.

12.2.2 The Borough Council operates a hybrid model of meetings and for those meetings where public speaking is allowed individuals can attend online.

12.2.3 Meetings are also livestreaming which means that residents have greater access to see how decisions are made.

## 12.3 Other If Relevant

- None

Background Papers	None
Annexes	(Option A) Annex 1 – Programme of Meetings 2026/27 Annex 2 – Programme of Meetings 2027/28  (Option B) Annex 1 – Programme of Meetings 2026/27 Annex 2 – Programme of Meetings 2027/28

## Timetable of Meetings 2026 – 2027 (APPROVED PROGRAMME WITH REVISIONS) – OPTION A

Annex 1

Meeting	Day	June 2026	July 2026	Aug 2026	Sept 2026	Oct 2026	Nov 2026	Dec 2026	Jan 2027	Feb 2027	March 2027	April 2027	May 2027
Council	<i>Tue</i>		14		3	20				23		13	<del>11-18</del>
Cabinet	<i>Tue</i>	2/30	<del>7</del>		1	6	10	8	5	9	2	6	
Overview & Scrutiny Committee	<i>Thurs</i>	25			10		12		21			22	
Area 1 Planning Committee	<i>Thurs</i>	18	30		<del>23</del>	15	26		7	11	25		20
Area 2 Planning Committee	<i>Wed</i>	24		5	16	28		2	13	17	31		26
Area 3 Planning Committee	<i>Thurs</i>	4	9	13	24		5	10	28		11	8	
Audit Committee	<i>Mon</i>		20		<del>28-21</del>				<del>25-11</del>			<del>19-12</del>	
General Purposes Committee	<i>Wed</i>	10				7			20		10		
Joint Standards Committee	<i>Mon</i>	1							18				
Licensing and Appeals Committee	<i>Wed</i>	17			23		25				24		
Community and Environment	<i>Wed</i>		15		17		4			3			19
Finance, Regeneration & Property	<i>Tue</i>		21		15		17			16			25
Housing and Planning	<i>Tue</i>		28		29			1			16		11
JECC (Member) 0930	<i>Thur</i>									18			
JECC (OWG) 0930	<i>Thur</i>	4			3		12						
Joint Transportation Board	<i>Mon</i>	15			7		30				1		
Parish Partnership Panel	<i>Thurs</i>			27			19			4			27
Tonbridge Community Forum	<i>Mon</i>				21-28		23			22	8		<del>10</del>

**Timetable of Meetings 2026 – 2027 (APPROVED PROGRAMME WITH REVISIONS) – OPTION A**

Meeting	Day	June 2026	July 2026	Aug 2026	Sept 2026	Oct 2026	Nov 2026	Dec 2026	Jan 2027	Feb 2027	March 2027	April 2027	May 2027
Elections (Borough + Parish)	<i>Thur</i>												6
Bank Holidays	-			31				25/26	1		26/28		3/31

Monday	Tuesday	Wednesday	Thursday
Annual	Budget	Tonbridge based location where possible	No Member attendance (internal Management/staff meeting) – 0930 start

## Timetable of Meetings 2027 – 2028 (DRAFT PROGRAMME) – OPTION A

Annex 2

Meeting	Day	June 2027	July 2027	Aug 2027	Sept 2027	Oct 2027	Nov 2027	Dec 2027	Jan 2028	Feb 2028	March 2028	April 2028	May 2028
Council	Tue		13			19				22		18	9
Cabinet	Tue	1	65	31		5	9	7	4	8	7	4	
Overview & Scrutiny Committee	Thurs	24			9		11		20			20	
Area 1 Planning Committee	Thurs	17	29		2	14	25		6	10	23		18
Area 2 Planning Committee	Wed	23		4	15	27		1	12	16	29		24
Area 3 Planning Committee	Thurs	3	8	12	23		4	9	27		9	6	
Audit Committee	Mon		19		27-20				31			24	
General Purposes Committee	Wed	9				6			19		8		
Joint Standards Committee	Mon	7							17				
Licensing and Appeals Committee	Wed	16			22		24				22		
Community and Environment	Wed		14		16		3			2			17
Finance, Regeneration & Property	Tue		20		14		16			15			23
Housing and Planning	Tue		27		28		30				14		16
JECC (Member) 0930	Thur									17			
JECC (OWG) 0930	Thur	3			2		11						
Joint Transportation Board	Mon	14			6		29				27		
Parish Partnership Panel	Thurs			26			18				2		25
Tonbridge Community Forum	Mon	21			20 27		22			21			8

## Timetable of Meetings 2027 – 2028 (DRAFT PROGRAMME) – OPTION A

Meeting	Day	June 2027	July 2027	Aug 2027	Sept 2027	Oct 2027	Nov 2027	Dec 2027	Jan 2028	Feb 2028	March 2028	April 2028	May 2028
Elections (Borough + Parish)	<i>Thur</i>												
Bank Holidays	-			30				27/28	3			14/17	1/29

Monday	Tuesday	Wednesday		Thursday
Annual	Budget	Tonbridge based location where possible		No Member attendance (internal Management/staff meeting) – 0930 start

## Timetable of Meetings 2026 – 2027 (APPROVED PROGRAMME WITH REVISIONS) – OPTION B

Annex 1

Meeting	Day	June 2026	July 2026	Aug 2026	Sept 2026	Oct 2026	Nov 2026	Dec 2026	Jan 2027	Feb 2027	March 2027	April 2027	May 2027
Council	Tue		14		3	20				23		13	<del>11-18</del>
Cabinet	Tue	2/30	<del>7</del>		1	6	10	8**	5	9	2	6	
Overview & Scrutiny Committee	Thurs	25			10		12		21			22	
Planning Committee (New)	Wed	24	30	19	16	14	11	9	6	10	11	14	12
Audit Committee	Mon		20		<del>28-21</del>				<del>25-11</del>			<del>19-12</del>	
General Purposes Committee	Wed	10				7			20		10		
Joint Standards Committee	Mon	1							18				
Licensing and Appeals Committee	Wed	17			23		25				24		
Community and Environment	Wed		15		17		4			3			19
Finance, Regeneration & Property	Tue		21		15		17			16			25
Housing and Planning	Tue		28		29			1			16		11
JECC (Member) 0930	Thur									18			
JECC (OWG) 0930	Thur	4			3		12						
Joint Transportation Board	Mon	15			7		30				1		
Parish Partnership Panel	Thurs			27			19			4			27
Tonbridge Community Forum	Mon				<del>21-28</del>		23			<del>22</del>	8		<del>10</del>

## Timetable of Meetings 2026 – 2027 (APPROVED PROGRAMME WITH REVISIONS) – OPTION B

Meeting	Day	June 2026	July 2026	Aug 2026	Sept 2026	Oct 2026	Nov 2026	Dec 2026	Jan 2027	Feb 2027	March 2027	April 2027	May 2027
Elections (Borough + Parish)	<i>Thur</i>												6
Bank Holidays	-			31				25/26	1		26/28		3/31

Monday	Tuesday	Wednesday	Thursday
Annual	Budget	Tonbridge based location where possible	No Member attendance (internal Management/staff meeting) – 0930 start

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Option B provides a monthly schedule for a single planning committee if this proposal discussed elsewhere on the agenda is supported. Accommodated by using previously allocated dates for Area 2 Planning Committee, which was a six weekly programme, and using previously unallocated dates or dates previously scheduled for Area 1 Planning Committee

**Timetable of Meetings 2027 – 2028 (DRAFT PROGRAMME) – OPTION B**

Annex 2

Meeting	Day	June 2027	July 2027	Aug 2027	Sept 2027	Oct 2027	Nov 2027	Dec 2027	Jan 2028	Feb 2028	March 2028	April 2028	May 2028
Council	Tue		13			19				22		18	9
Cabinet	Tue	1	65	31		5	9		4	8	7	4	
Overview & Scrutiny Committee	Thurs	24			9		11		20			20	
Planning Committee (New)	Wed	23	21	18	15	13	10	8	5	9	9	12	10
Audit Committee	Mon		19		27-20				31			24	
General Purposes Committee	Wed	9				6			19		8		
Joint Standards Committee	Mon	7							17				
Licensing and Appeals Committee	Wed	16			22		24				22		
Community and Environment	Wed		14		16		3			2			17
Finance, Regeneration & Property	Tue		20		14		16			15			23
Housing and Planning	Tue		27		28		30				14		16
JECC (Member) 0930	Thur									17			
JECC (OWG) 0930	Thur	3			2		11						
Joint Transportation Board	Mon	14			6		29				27		
Parish Partnership Panel	Thurs			26			18				2		25
Tonbridge Community Forum	Mon	21			20 27		22			21			8

## Timetable of Meetings 2027 – 2028 (DRAFT PROGRAMME) – OPTION B

Meeting	Day	June 2027	July 2027	Aug 2027	Sept 2027	Oct 2027	Nov 2027	Dec 2027	Jan 2028	Feb 2028	March 2028	April 2028	May 2028
Elections (Borough + Parish)	<i>Thur</i>												
Bank Holidays	-			30				27/28	3			14/17	1/29

Monday	Tuesday	Wednesday	Thursday
Annual	Budget	Tonbridge based location where possible	No Member attendance (internal Management/staff meeting) – 0930 start

Option B provides a monthly schedule for a single planning committee if this proposal discussed elsewhere on the agenda is supported. Accommodated by using previously allocated dates for Area 2 Planning Committee, which was a six weekly programme, and using previously unallocated dates

## **Notice of Motion submitted pursuant to Council Procedure Rule No. 5.27**

**To consider the following Notice of Motion proposed by Councillor A Cope, seconded by Cllr S Pilgrim on behalf of the Green Group:**

### **Introducing Article 4 Directions in relation to Houses in Multiple Occupation (HMOs)**

**We urge the council to adopt an Article 4 Direction to remove permitted development rights for changes of use from Dwellinghouses (Use Class C3) to Houses in Multiple Occupation (Use Class C4) across the borough of Tonbridge and Malling.**

The Green Group calls on the Cabinet to instruct the planning policy team to prepare the necessary evidence for consideration of the replacement of the current Article 4 Directions so that permitted development rights for change of use from C3 (dwellinghouses) to C4 (HMOs) are removed for all homes throughout the Borough, and commit to begin the necessary evidence and legal preparation process for its introduction within the next few months.

Article 4 Directions are made by the Council and withdraw specified 'permitted development rights' across a defined area in order to control works that could threaten the character of an area of acknowledged importance. Permitted development rights allow certain works to take place without the need for a submission of a planning application. However an Article 4 Direction removes these rights.

This will mean that a developer or property owner will have to submit a planning application for work which normally does not need one.

The Council needs to bring into effect an Article 4 Direction relating to the creation of HMOs across the whole Borough of Tonbridge and Malling. This means that planning permission is required for all conversions of residential dwellings to Houses of Multiple Occupation.

### **Recommendations:**

Cabinet be asked to;

- (1) Make arrangements to compile the relevant evidence for the removal of permitted development rights by submitting documentation in support of an Article 4 Direction with regard to creating HMOs.
- (2) Approve the making of an Article 4 Direction to be brought into effect at the earliest opportunity. This will remove permitted development rights for the change of use from Use Class C3 dwellinghouses to Use Class C4 small Houses in Multiple Occupation for the entire borough of Tonbridge and Malling as identified within the Direction.
- (3) Authorise the Director of Central Services and Deputy Chief Executive to submit the relevant documentation to support the Article 4 Direction.

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