

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet

Decision No: D260058CAB

Decision Type: Non-Key

Date: 02 June 2026

Decision(s) and Reason(s)

Risk Management

Consideration was given to the recommendations of the Audit Committee in respect of the risk management process and the current status of the Strategic Risk Register (SRR).

Cabinet noted that despite mitigations being in place, the following areas remained at high or RED risk:

- Failure to adopt a Local Plan
- Local Government Reorganisation in Kent
- Development Management Decisions

Ongoing service risks and outcomes continued to be reviewed and monitored and these were detailed in Annex 2.

Due regard was given to the views of the Committee, the financial and value for money considerations, the assessment of risk and the legal implications.

In recognition that assurance was received on the effectiveness of risk management, Cllr Boughton proposed Cllr Coffin seconded and it was

RESOLVED: That

- (1) the updates to the Strategic Risk Register since the last iteration be noted, with particular emphasis on those risks categorised as RED as shown in Annexes 1 and 1(a) and summarised above; and
- (2) the service risks identified in Annex 2 be noted.

Reasons: As set out in the report submitted to the Audit Committee of 13 April 2026.

Signed Leader:

M Boughton

Signed Chief Executive:

D Roberts

Date of publication:

4 June 2026

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

Decision Taken By: Cabinet
Decision No: D260059CAB
Decision Type: Non-Key
Date: 02 June 2026

Decision(s) and Reason(s)

Section 106 Processes and Considerations

Consideration was given to the recommendations of the Overview and Scrutiny Committee in respect of the current approach to the management and monitoring of section 106 (s106) funding and proposed process improvements.

A proposed set of Terms of Reference for a s106 Strategic Monitoring Group, a set of Terms of Reference for an Officer Monitoring Group and details of the spend on projects relating to contributions held by the Borough Council and how these had been distributed and allocated (attached at Annexes 1, 2 and 3 respectively) had informed the recommendations of the Overview and Scrutiny Committee.

Due regard was given to the views of the Committee, the financial and value for money considerations, the assessment of risk and the legal implications.

In recognition of supporting an informed s106 monitoring process, Cllr Taylor proposed, Cllr Coffin seconded and Cabinet

RESOLVED: That

- (1) the next steps proposed for developing the Borough Council's approach to section 106 obligations, as detailed in section 11 of the report, be noted; and
- (2) the proposed Terms of Reference for the Member and Officer Monitoring Groups, attached at Annexes 1 and 2 respectively, be endorsed and adopted.

Reasons: As set out in the report submitted to the Overview and Scrutiny Committee of 23 April 2026.

Signed Leader:

M Boughton

Signed Chief Executive:

D Roberts

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4 June 2026

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Decision Taken By: Cabinet
Decision No: D260060CAB
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Date: 02 June 2026

Decision(s) and Reason(s)

Annual Service Delivery Plan Quarter 3 (2025/26) Reporting

Consideration was given to the recommendations of the Overview and Scrutiny Committee in respect of a Quarter 3 update on the Annual Service Delivery Plan 2026/27.

Cabinet welcomed the good progress being made with 71% of key activities and 66% of Key Performance Indicators (KPIs) rated green; and noted the positive progress being made in a number of areas.

Due regard was given to the views of the Committee, the financial and value for money considerations, the legal implications and the assessment of risk.

In recognition that the Annual Service Delivery Plan supported the priorities set out in the Corporate Strategy 2023-2027, Cllr Boughton proposed, Cllr Keers seconded and Cabinet

RESOLVED: That

- (1) the overall progress, including achievements to date and areas needing focus, as detailed in the report and the attached Annual Service Delivery Plan 2025/26 Quarter 3 update be recorded.

Reasons: As set out in the report submitted to the Overview and Scrutiny Committee of 23 April 2026.

Signed Leader:

M Boughton

Signed Chief Executive:

D Roberts

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4 June 2026

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Decision Taken By: Cabinet
Decision No: D260061CAB
Decision Type: Non-Key
Date: 02 June 2026

Decision(s) and Reason(s)

Updating the Council's Affordable Housing Protocol

Consideration of the recommendations of the Housing and Planning Scrutiny Select Committee in respect of the Affordable Housing Protocol.

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

In recognition of improving housing options for local people whilst protecting outdoor areas of importance, Cllr Betts proposed, Cllr Taylor seconded and Cabinet

RESOLVED: That

- (1) the revised Affordable Housing Protocol (attached at Annex 1) be adopted; and
- (2) delegated authority be granted to the Director for Planning, Housing and Regulatory Services, in consultation with the Cabinet Member for Housing, Environment and Economy, to finalise and agree the Protocol appendix related to housing needs data once it had been updated.

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 19 May 2026.

Signed Leader:

M Boughton

Signed Chief Executive:

D Roberts

Date of publication:

4 June 2026

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Decision Taken By: Cabinet
Decision No: D260062CAB
Decision Type: Key
Date: 02 June 2026

Decision(s) and Reason(s)

South-West Kent Waste Services Contract - Options Report

(Reason: Part 2 Private: LGA 1972 – Sch 12A Paragraph 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information))

Consideration of the recommendations of the Communities and Environment Scrutiny Select Committee in respect of options for the future frequency of cleansing of specific sections of High-Speed roads, cleansing of specific areas of parks and open spaces and the future financing of new vehicles deployed on the contract.

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

In recognition of maintaining a good level of regular cleansing that was comparable with neighbouring authorities and providing funding certainty, Cllr Coffin proposed, Cllr Boughton seconded and Cabinet

RESOLVED: That

- (1) Option A, as outlined in the report to the Communities and Environment Scrutiny Select Committee, for the future cleansing of high-speed roads be agreed and implemented from commencement of the new contract from 1 April 2027;
- (2) the Contract Option, as set out in 6.1-6.3 of the report to the Communities and Environment Scrutiny Select Committee, for the cleansing of identified Public Open Spaces be agreed and implemented from commencement of the new contract from 1 April 2027; and
- (3) with regard to the financing of the new vehicles deployed on the new contract, details be reported direct to Cabinet for consideration and the decision to progress or not to be based on financial viability.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 20 May 2026 (contains exempt information).

Signed Leader:

M Boughton

Signed Chief Executive:

D Roberts

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4 June 2026

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Decision(s) and Reason(s)

New Angel Leisure Centre - Financial Review

(Reason: Part 2 Private: LGA 1972 – Sch 12A Paragraph 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information))

Consideration was given to the recommendations of the Overview and Scrutiny Committee in respect of funding arrangements for the replacement Angel Leisure Centre.

Due regard was given to the views of the Committee, the financial and value for money considerations, the legal implications and the assessment of risk.

Given the strategic significance of the replacement of the Angel Leisure Centre, Cabinet recognised the importance of ensuring that wider Members were kept informed on the progress of the project at regular intervals and Cllr Keers proposed, Cllr Boughton seconded and it was

RESOLVED: That

- (1) work to minimise the requirement for borrowing as part of preparations for the submission of the final project details to full Council and thereafter be continued;
- (2) monthly updates be provided to all Members of the Borough Council on project progress ahead of submission of final project details to full Council; and
- (3) the Overview and Scrutiny Committee maintain oversight of the future stages of the project and receive an update report on the progress at future meetings following submission of final project details to full Council.

Reasons: As set out in the report submitted to the Overview and Scrutiny Committee of 23 April 2026 (contains exempt information).

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M Boughton

Signed Chief Executive:

D Roberts

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Decision(s) and Reason(s)

Fly Tipping and Littering Enforcement Options Report

(Reason: Part 2 Private: LGA 1972 – Sch 12A Paragraph 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information))

Consideration of the recommendations of the Communities and Environment Scrutiny Select Committee in respect of recent enforcement relating to littering and fly tipping offences and options for future activities.

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

In recognition that efficient and appropriate investigation and enforcement of littering and fly tipping offences assisted in maintaining an effective Council and to retain flexibility in respect of service delivery options, Cllr Coffin proposed, Cllr Betts seconded and Cabinet

RESOLVED: That

- (1) the options for the current contract, as detailed in the report to the Communities and Environment Scrutiny Select Committee, be progressed as soon as possible;
- (2) the following options be explored further:
 - (i) an in-house approach be adopted for both littering and fly tipping enforcement;
 - (ii) a further tendering exercise be undertaken for a third-party to provide both littering and fly tipping enforcement;
 - (iii) a hybrid solution of external third-party provision for littering and an in-house providing for fly tipping and other waste-related offences
- (3) a fully costed report on the options shown above to be progressed and reported to a future meeting of the Scrutiny Select Committee

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 20 May 2026 (contains exempt information).

Signed Leader:

M Boughton

Signed Chief Executive:

D Roberts

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4 June 2026

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Decision Taken By: Cabinet
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Date: 02 June 2026

Decision(s) and Reason(s)

Management of Haysden Country Park

(Reason: Part 2 Private: LGA 1972 – Sch 12A Paragraph 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information))

Consideration of the recommendations of the Communities and Environment Scrutiny Select Committee in respect of the management of Haysden Country Park.

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

In recognition that the proposals could secure current funding arrangements and standards of service delivery, including maintenance specifications, accreditations and support for community activities, Cllr Keers proposed, Cllr Taylor seconded and Cabinet

RESOLVED: That

- (1) a cost benefit analysis of a potential transfer of the management of Haysden Country Park be progressed and findings reported to a future meeting of the Scrutiny Select Committee.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 20 May 2026 (contains exempt information).

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M Boughton

Signed Chief Executive:

D Roberts

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