

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

---

**Chief Executive**  
Damian Roberts

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

---

To: MEMBERS OF THE COUNCIL

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

Dear Sir/Madam

I hereby summon you to attend a meeting of the Tonbridge and Malling Borough Council which will be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 21st April, 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  | 7 - 10  |
|    | <b><u>PART 1 - PUBLIC</u></b>  |         |
| 2. | Apologies for absence  | 11 - 12 |
| 3. | Declarations of interest   |         |
|    | To declare any interests in respect of recommended items                                       |         |
| 4. | Minutes  | 13 - 24 |
|    | To confirm as a correct record the Minutes of the meeting of Council held on 24 February 2026. |         |
| 5. | Mayor's Announcements  | 25 - 26 |
| 6. | Questions from Members pursuant to Council Procedure Rule No 5.5                               | 27 - 28 |

7. Questions from the Public pursuant to Council Procedure Rule No 5.6 29 - 30

A response to the question(s) received from the public pursuant to Council Procedure Rule No. 5.6 will be provided by the relevant Member:

- 26/001/PUB

8. Leader's Announcements 31 - 32

### **Matters for Decision as a Planning Committee**

In order to facilitate the proper consideration of the planning applications at agenda items 9 to 12, the Council will need to suspend its own procedure rules and resolve itself into a committee to which rules relating to a planning committee will be applied.

9. 25/00855/FL - 49 Hallsfield Road, Chatham 33 - 64

Consideration of recommendations of the Area 3 Planning Committee in respect of an application for ground floor rear extension and 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.

The following documents are attached:

- Report of Director of Planning, Housing and Regulatory Services of 29 January 2026
- Annex 1 – Report of Director of Planning, Housing and Environmental Health\* of 11 December 2025
- Annex 2 – Supplementary report of Director of Planning, Housing and Environmental Health of 11 December 2025
- Map

The associated legal advice is attached under Part 2 of the agenda.

\*The post title of the Director of Planning, Housing and Environmental Health was renamed to the Director of Planning, Housing and Regulatory Services from 22 January 2026 and the relevant references within the Constitution were subsequently updated accordingly.

10. 25/01509/FL - Allens Oast, 4B Old Road, East Peckham, Tonbridge 65 - 82

Consideration of recommendations of the Area 2 Planning Committee in respect of an application for retrospective permission for the unauthorised erection of a summerhouse outbuilding.

The following documents are attached:

- Report of Director of Planning, Housing and Regulatory Services of 18 February 2026
- Annex 1 – Report of Director of Planning, Housing and Environmental Health\* of 14 January 2026
- Map

The associated legal advice is attached under Part 2 of the agenda.

\*The post title of the Director of Planning, Housing and Environmental Health was renamed to the Director of Planning, Housing and Regulatory Services from 22 January 2026 and the relevant references within the Constitution were subsequently updated accordingly.

11. 25/01693/PIP - Land West of 103 Tonbridge Road, 83 - 110  
Hildenborough, Tonbridge

Consideration of recommendations of the Area 1 Planning Committee in respect of an application for 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 following documents are attached:

- Report of Director of Planning, Housing and Regulatory Services of 26 March 2026
- Annex 1 – Report of Director of Planning, Housing and Regulatory Services of 12 February 2026
- Map

The associated legal advice, including an addendum report of the Director of Central Services and Deputy Chief Executive, is attached under Part 2 of the agenda.

12. 26/00223/DR3 - Poult Wood Golf Course, Higham Lane, 111 - 120  
Tonbridge

Installation of 3 x external Air Source Heat Pumps (ASHPs) within a screened compound.

### **Matters for Decision**

13. Programme of Meetings 2026/27 and 2027/28 121 - 130

The programme of meetings for the municipal year 2026/27 is attached for consideration. Management Team, Senior Officers and Cabinet Members have been consulted on the proposed dates. The draft programme for 2027/28 is also attached for consideration.

14. Changes to the Constitution - Financial Procedure Rules 131 - 162

This report recommends changes to the Financial Procedure Rules set out in Part 4 of the Constitution.

15. Results of Consultation on Street Trading Policy Renewal 163 - 192

Consideration of recommendations of Licensing and Appeals Committee in respect of the Street Trading Policy.

16. South West Kent Waste Services Contract Retender 193 - 212

Consideration of recommendations of Cabinet in respect of the Waste Services Contract.

(Note: In accordance with LGA 1972 - Sch 12A Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information), Annex 2 to the report for Communities and Environment Scrutiny Select Committee of 4 March 2026 is private.)

17. Annual Report of Chair 213 - 224

Consideration of recommendations of Audit Committee in respect of the Annual Report of the Chair.

These are '**to follow**' and will be circulated in advance of the meeting.

### **Matters for Information**

18. Minutes of Cabinet and Committees 225 - 226

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

19. Sealing of Documents

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

### **Matters for Consideration in Private**

20. Exclusion of Press and Public 227 - 228

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

## **PART 2 - PRIVATE**

### **Matters for Information**

21. 25/00855/FL - 49 Hallsfield Road, Chatham 229 - 252

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

This report provides legal advice on the consequences of taking decisions against the advice of officers.

22. 25/01509/FL - Allens Oast, 4B Old Road, East Peckham, 253 - 268  
Tonbridge

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

This report provides legal advice on the consequences of taking decisions against the advice of officers.

23. 25/01693/PIP - Land West of 103 Tonbridge Road, 269 - 318  
Hildenborough, Tonbridge

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

Both the original and the addendum reports provide legal advice on the consequences of taking decisions against the advice of officers.

DAMIAN ROBERTS  
Chief Executive  
Monday, 13 April 2026

This page is intentionally left blank

## **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.

This page is intentionally left blank

Apologies for absence

This page is intentionally left blank

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### COUNCIL MEETING

#### MINUTES

Tuesday, 24th February, 2026

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 24th February, 2026

**Present:** His Worship the Mayor (Councillor C Brown), the Deputy Mayor (Councillor K B Tanner), Cllr B Banks, Cllr K Barton, Cllr Mrs S Bell, Cllr A G Bennison, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr P Boxall, Cllr G C Bridge, Cllr R I B Cannon, Cllr L Chapman, Cllr J Clokey, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, 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 Mrs A S Oakley, 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 Thornevell, Cllr K S Tunstall and Cllr C J Williams

Apologies for absence were received from Councillors L Athwal, M A Coffin, S Crisp and Mrs T Dean, who all attended via MS Teams.

#### PART 1 - PUBLIC

##### **C 26/5      DECLARATIONS OF INTEREST**

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

##### **C 26/6      MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the ordinary and extraordinary meetings of the Council held on 28 October 2025 and 27 January 2026 be approved as a correct record and signed by the Mayor.

##### **C 26/7      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:

- The Festival of Remembrance at Rochester Cathedral
- Aylesford Jobs Fair
- RBLI 'Special Announcement' Event

- Neurocafe Event at North Kent College
- TMBC's Community Awards Ceremony at the Council Offices, Kings Hill
- Rotary Club of Tonbridge's Young Musician Competition at Somerhill School
- Recognition Event for the Haydsen Country Park Volunteer Group at Tonbridge Castle
- Tonbridge Rotary Club's Christmas Festival
- Kent Charities Christmas Draw 2025
- Leybourne Grange Riding Centre for the Disabled Nativity
- Tonbridge Philharmonic Society and Tonbridge Round Table's Family Carols at Tonbridge School
- Hospice in the Weald's Carols at Christmas Event at Tonbridge School

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

- Primary School Visit and Schools Debate – 27 February and 12 March
- Tour and Afternoon Tea at Tonbridge School – 17 April 2026
- Cheque Presentation to Mayoral charities - TBC
- Annual Council – 12 May 2026

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

**C 26/8 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 26/9 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6**

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

**C 26/10 LEADER'S ANNOUNCEMENTS**

The Leader opened by reflecting on the recent deaths of two Honorary Freeman and paid tribute to Sir John Stanley MP and Mrs Jill Anderson by highlighting their significant contributions to the Borough and the impact of their loss on the Council and community.

Reference was made to the successful Tonbridge and Malling Community Awards ceremony which recognised outstanding community

achievements. It was intended to host another awards event later in the year.

Details were shared of the extensive Local Plan Consultation process undertaken by the Leader and the Cabinet Member for Planning, which had included 27 public meetings, 2150 attendees and over 6,400 comments. Feedback from the consultation would be reviewed by the Housing and Planning Scrutiny Select Committee before the Local Plan progressed to Regulation 19. The challenges related to infrastructure and water supply were recognised.

The ongoing Government consultation on local government reorganisation was outlined and the Borough Council's preference for Option 3A was reiterated. The importance of engaging with parish/town councils and the need for careful planning to avoid negative impacts was also emphasised.

A recent public engagement exercise on proposals for the replacement Angel Leisure Centre had finished at the weekend and responses were currently being assessed. However, the overall exercise had been positive.

Finally, the Leader advised that in response to local concerns about water supply resilience in light of recent outages and future housing developments the Borough Council had proactively sought input from infrastructure providers during the Regulation 18 Local Plan Consultation. Further professional advice on the weight of these concerns in reaching planning decisions was awaited.

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

### **MATTERS FOR DECISION**

#### **C 26/11 SETTING THE BUDGET 2026/27**

Item CB 26/19 referred from the Cabinet of 10 February 2026.

The Leader of the Borough Council proposed that Council Procedure Rule No 6.4 be suspended to allow the leading speakers from each Group to exceed the time limit on speeches when debating the budget proposals. Time limits on speeches would be reapplied following discussions on Setting the Budget and Setting the Council Tax. This was seconded by Cllr Betts and supported by the Council.

In presenting the budget proposals, which had been considered by the Overview and Scrutiny Committee and the Cabinet on 22 January and 10 February 2026 respectively, both the Cabinet Member for Finance, Waste and Technical Services and the Leader highlighted the positive financial outlook, the Borough Council's continued debt-free status, the

achievement of a balanced budget for 2026/27, the removal of savings targets and significant transfers to reserves totalling approximately £5.2 million.

The budget also included allocations for the replacement Angel Leisure Centre, a Local Plan reserve and a Local Government Reorganisation reserve.

Although Tonbridge and Malling faced the second highest reduction in core spending nationally strong financial planning had allowed for a balanced budget without the need for a Savings and Transformation Strategy. The importance of maintaining flexibility and investing in key capital projects was emphasised. Planned capital investments included digital CCTV, water safety systems, new sports facilities and improvements to public spaces. The Borough Council would also continue supporting services such as temporary accommodation and homelessness initiatives.

Members expressed support for the positive financial management and the focus on protecting services.

It was proposed by Councillor Boughton and seconded by Councillor Betts that the recommendations at Minute CB 26/19 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllrs Banks, Barton, Bell, Bennison, Betts, Bishop, Boughton, Boxall, Bridge, Brown, Cannon, Chapman, Clokey, Cope, Dalton, Davis, Hammond, Harman, Hickmott, Hood, Hoskins, Hudson, Keers, King, Lark, McDermott, Mehmet, Oakley, Oliver, Palmer, Parry, Pilgrim, Rhodes, Roud, Tanner, Tatton, Taylor, Thornewell, Tunstall and Williams

Total: 40

Members voting against the motion: 0

Total: 0

Members abstaining: 0

Total: 0

(Total number of Members eligible to vote = 40)

**RESOLVED:** That the recommendations at Minute CB 26/19 be approved.

**C 26/12     SETTING THE COUNCIL TAX 2026/27**

Item CB 26/20 referred from the Cabinet of 10 February 2026 recommended that a 3% or £7.35 per annum increase in the Borough Council's element of the Council Tax for 2026/27, representing a notional 'average' charge at Band D of £252.65 be approved.

As the billing authority, the Council was required to resolve the levels of council tax for each Band and for each area within the borough consolidating the requirements from all precepting authorities. A Council Tax Resolution incorporating all this information was presented to Members as a supplement to the agenda (attached at Annex 1).

It was proposed by Councillor Boughton and seconded by Councillor Betts that the recommendations at Minute CB 26/20 be adopted.

In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllrs Banks, Barton, Bell, Bennison, Betts, Bishop, Boughton, Boxall, Bridge, Brown, Cannon, Chapman, Clokey, Cope, Dalton, Davis, Hammond, Harman, Hickmott, Hood, Hoskins, Hudson, Keers, King, Lark, McDermott, Mehmet, Oakley, Oliver, Palmer, Parry, Pilgrim, Rhodes, Roud, Tanner, Tatton, Taylor, Thornewell, Tunstall and Williams

Total: 40

Members voting against the motion: 0

Total: 0

Members abstaining: 0

Total: 0

(Total number of Members eligible to vote = 40)

**RESOLVED:** That

- (1) the recommendations at Minute CB 26/20 be approved; and
- (2) the Council Tax Resolution 2026/27, as set out as an Annex to these Minutes, be adopted.

**C 26/13 LOCAL COUNCIL TAX REDUCTION SCHEME 2026/27**

Item CB 26/21 referred from Cabinet of 10 February 2026

It was proposed by Cllr Boughton and seconded by Cllr Betts that the recommendation of Cabinet be approved.

**RESOLVED:** That the draft Local Council Tax Reduction Scheme 2026/27(attached as Annex 1) be approved.

**C 26/14 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2026/27**

Item CB 26/22 referred from Cabinet of 10 February 2026

It was proposed by Cllr Boughton and seconded by Cllr Betts that the recommendation of Cabinet be approved.

**RESOLVED:** That

- (1) the treasury management position as at 30 November 2025 be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2026/27 (attached at Annex 5) be adopted

**C 26/15 LOCALISM ACT - PAY POLICY**

Consideration was given to the recommendations of the General Purposes Committee of 21 January 2026 in respect of the requirements of the Localism Act 2011 and an updated Pay Policy Statement for 2026/27 as set out in Annex 1.

As there had not been many significant changes in the Borough Council's remuneration policy, the substantive content of the updated Policy was nearly identical to the Borough Council's Pay Policy Statement 2025/26. The key updates related to the actual pay received by staff, the pay multiple data and the number of officers in specific graded posts. A new section had been added to reflect the current Long Service Award scheme operated within the Council.

An amendment to recommendation GP 26/4 to include the Real Living Wage as a consideration in the Pay Policy was proposed by Cllr Clokey and seconded by Cllr Banks. It was clarified that this would not bind the Borough Council but would require formal consideration when setting the annual pay award.

Concern was expressed that including the Real Living Wage as a consideration would reduce the Borough Council's flexibility in setting local pay levels, potentially leading to prescriptive outcomes and

impacting its ability to address market conditions and recruitment challenges.

Following a formal vote, the amendment motion was lost with 20 Members voting in favour and 20 Members voting against. The Mayor used their casting vote against the amendment.

In recognition that having a robust Pay Policy Statement assisted in providing efficient services for residents and maintained an effective council, Cllr Rhodes proposed, Cllr Boughton seconded and Council

**RESOLVED:** That the Pay Policy Statement set out in Annex 1 be endorsed and adopted.

**C 26/16 PAY AWARD 2026/2027**

Consideration was given to the recommendations of the General Purposes Committee of 21 January 2026 in respect of a proposed pay award for employees for 2026/27.

Due regard was given to the views of the Committee, the financial and value for money considerations and the challenges regarding recruitment and retention, particularly for professional M grade roles was recognised. Cllr Rhodes proposed, Cllr Boughton seconded and Council

**RESOLVED:** That a pay award of 4% for application to all salary scales be adopted with effect from 1 April 2026.

**C 26/17 TONBRIDGE COMMUNITY GOVERNANCE REVIEW**

The report of the Chief Executive and Electoral Registration Officer set out the results of the Community Governance Review process and recommended the creation of a Town Council for Tonbridge.

Due regard was given to the views of the Community Governance Review Member Working Group and residents. A further consultation seeking views on whether the Town Council should be warded, the potential number of Town Councillors and whether it should have a Mayor was undertaken and a detailed overview of the outcomes was attached at Annex 2.

In recognition that the establishment of a Town Council would contribute to or impact the efficient and effective delivery of local council services to the residents of Tonbridge, Cllr Brown proposed, Cllr Boughton seconded and Council

**RESOLVED:** That

- (1) the results of the Community Governance Review consultations be noted;
- (2) the creation of a new parish within Tonbridge (as set out in Annex 1) be approved;
- (3) the naming of the new parish as 'Tonbridge' be approved;
- (4) the new parish has a parish council called 'Tonbridge Town Council' comprising:
  - a) the division of the Town Council area into 6 wards that are the same as the existing 6 borough wards (as set out in Annex 2):
    - Cage Green and Angel
    - Higham
    - Judd
    - Oast (area outside of Hildenborough parish)
    - Trench
    - Vauxhall
  - b) 18 councillors sitting on the Town Council as outlined below:

Ward	Number of Cllrs
Cage Green and Angel	4
Higham	3
Oast	1
Judd	3
Trench	3
Vauxhall	4

- (5) the change taking effect for electoral purposes ahead of the publication of the revised register planned for 1 December 2026 be approved;
- (6) the parish coming into effect from 1 April 2027 for administration purposes be approved;
- (7) the first election for the Town Council taking place on 6 May 2027, and every four years thereafter, be approved;
- (8) delegated authority be granted to the Electoral Registration Officer to undertake the proposed next steps as set out in 7 of the report; and
- (9) support for a Mayor that carries out ceremonial duties and chairs meetings be noted.

**C 26/18 CHANGES TO THE CONSTITUTION**

The report of the Monitoring Officer set out recommended changes to Committee Procedure Rules 15.24 and 15.25 to provide a definition for the term 'risk of significant costs' and to clarify the decision-making route for items of business covered by more than one Area Planning Committee.

The proposed amendment to CPR 15.25 would ensure that the determination of a planning application would remain a matter for Council, unless both Area Planning Committees were agreed on both the proposed recommendations and the reasons for refusal, or in the case of a proposed approval, the conditions to be attached to the planning permission. In this situation, the Director of Planning, Housing and Regulatory Services would determine the application with no further consideration by Full Council.

With regard to CPR 15.24, it was reported that the current threshold of £5,000 to represent 'significant costs' had led to some relatively minor planning applications being reported to Council for determination, which was not the intended use of this rule. CPR 15.24 was intended to ensure that, where planning determinations could have an unplanned impact on the authority's financial position that Members were fully aware of the implications and to ensure appropriate due diligence on decision making was provided. It was, therefore, proposed that a financial threshold of £50,000 be applied to represent a 'significant risk'.

Members welcomed the clarification in respect of CPR 15.25 and in recognition that the proposals would contribute to maintaining an efficient service for residents by ensuring that planning applications were determined in the most efficient and equitable way, Cllr Brown proposed, Cllr Boughton seconded and Council

**RESOLVED:** That the changes to Committee Procedure Rules 15.24 and 15.25, as set out in 4.4 and 4.9 of the report, be approved.

**MATTERS FOR INFORMATION****C 26/19 MINUTES OF CABINET AND COMMITTEES**

The Minutes of meetings of the Cabinet and Committees for the period October 2025 to January 2026 set out in the Minute Book (Volume 5), attached as a supplement, were received and noted.

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

**C 26/20 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.

**C 26/21 EXCLUSION OF PRESS AND PUBLIC**

The Mayor moved, it was seconded by Cllr Boughton and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE****MATTERS FOR DECISION****C 26/22 ESTABLISHMENT REPORT**

(Reason: Part 2 – Private – LGA 1972, Schedule 12A Paragraph 2 – Information likely to reveal the identity of an individual)

Consideration was given to the recommendations of the General Purposes Committee in respect of a number of establishment changes recommended by the Borough Council's Management Team.

Cllr Rhodes proposed, Cllr Boughton seconded and Council

**RESOLVED:** That

- (1) a new full-time Information Governance Manager post at grade M8 be permanently established;
- (2) the hours of the Principal Planning Policy Officer (post DJ0318) (M8) be permanently increased from 32 to 37 hours per week; and
- (3) the hours of the Senior Planning Policy Officer (post DJ0319) (M8) be permanently increased from 30 to 37 hours per week.

**C 26/23 DISPENSATION - COUNCILLOR ATTENDANCE AT MEETINGS**

(Reason: Part 2 – Private – LGA 1972 Schedule 12A Paragraph 1 – information relating to an individual)

The report of the Chief Executive sought approval for the continued absence of a Borough Councillor from meetings on the grounds of ill health and/or injury.

To give the Member sufficient time to recuperate, follow medical advice and focus on their recovery, Cllr Boughton proposed, Cllr Betts seconded and Council

**RESOLVED:** That

- (1) a waiver of the 6-month attendance rule, as set out in s85 of the Local Government Act 1972, be approved on the grounds of ill health/injury as detailed in the report (contains exempt information); and
- (2) the extension of the permitted non-attendance time for a further 6-month period until 21 October 2026 be approved.

The meeting ended at 8.55 pm

This page is intentionally left blank

Mayor's Announcements

This page is intentionally left blank

# Agenda Item 6

Questions from Members pursuant to Council Procedure Rule No 5.5

This page is intentionally left blank

## COUNCIL

MEETING OF 21 APRIL 2026

### AGENDA ITEM 7 - QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

The following question has been asked pursuant to Council Procedure Rule No 5.6 by Mr Matt Johnson, Chairman, Snodland Historical Society:

Re: Archaeological concerns at the proposed development site SN1: Land north of Holborough Lakes, Snodland

“The proposed development area is in very close proximity to a previously excavated prehistoric ring ditch, a Roman tumulus, and an Anglo-Saxon burial mound. Multiple graves of great historical significance have previously been discovered in this area.

What considerations and/or risk assessments are being given to archaeological surveys and the subsequent preservation of any potential historical artefacts that might be uncovered?”

**A response will be provided by the Cabinet Member for Planning (Cllr M Taylor) at the meeting and set out in full in the Minutes.**

This page is intentionally left blank

Leader's Announcements

This page is intentionally left blank

**Walderslade**

**21 APRIL 2026**

**25/00855/FL**

Location

49 Hallsfield Road, Chatham, ME5 9RS

Proposal:

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.

Go to:

[Recommendation](#)

## 1. Description of Proposal:

- 1.1 Planning permission is sought for 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 with learning disabilities. The current age group for residents is between 40 – 53.

## 2. Reasons for Reporting to Committee:

- 2.1 The application has been considered by Committee on two occasions (11<sup>th</sup> December 2025 and 29<sup>th</sup> January 2026) following call-in by Councillor D Keers. Please see Annex 1 for the original Officer Report.

- 2.2 The application was considered by members and a motion to refuse the application on the basis of the following reasons for refusal carried.

(1) as a result of the increased comings and goings, additional parking of vehicles, staff movements, disruption and activity would result in an unacceptable intensification of the site, out of keeping with the character of this quiet residential area and harmful to neighbourhood, neighbouring amenities, in conflict with policy CP24 of the Tonbridge and Maling Core Strategy and policy SQ1 of the Managing Development and the Environment Development Plan Document.

(2) as a result of insufficient off-street parking, the proposal would not function well over the lifetime of the development and the parking plan would not be enforceable or provide sufficient mitigation for the failure to provide the necessary off-street parking spaces. This would amount to poor design and would be detrimental to the functioning of the development, in conflicts with paragraph 135 of the National Planning Policy Framework, policy CP 24 of the Tonbridge and

---

Malling Core Strategy, policy SQ 8 of the Managing Development and the Environment Development Plan Document and the Kent Parking Standards SPD.

- 2.3 Members were advised that the suggested reasons for refusal would be difficult to substantiate at appeal and could expose the Council to a risk of costs. It was resolved that the consideration of the planning application be deferred for a report from the Director of Central Services and Monitoring Officer on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health (as set out in Council and Committee Procedure Rule 15.24, Part 4 (Rules) of the Constitution).
- 2.4 At the second committee meeting on the 29<sup>th</sup> January 2026, following the consideration of the cost report which highlighted that there could be a risk of significant costs awarded against the Council, the motion to refuse for the reasons given above was supported by a majority vote. Consequently, the application has been adjourned and referred to Full Council for determination in accordance with the relevant procedural rules.

### **3. Determining Matters:**

- 3.1 Since the previous Committee meeting, changes have occurred at the site, including the installation of a front driveway. To address this change to the site updated drawings have been sought. As the driveway constitutes permitted development, it was considered not necessary to re-consult neighbours on the amended plans. Three off-street parking spaces are now available to the front of the building, meeting the requirements set out in the relevant KCC parking standards. The previously proposed rear parking area will remain enclosed and is no longer required to be made available via condition. Officers are still waiting for the receipt of the amended drawings and an updated draft conditions will be provided by supplementary report once the drawings are received.
- 3.2 Concerns were raised regarding references in the applicant's marketing to the provision of a daycare facility. Whilst the applicant has confirmed that no such use is currently taking place, the Local Planning Authority have deemed it necessary to add a condition ensuring that the daycare or respite care offers do not operate from the premises in the future.
- 3.3 However apart from the above there has been no change in local or national policy since the application was heard at Area 3 Planning Committee and therefore the determining issues are the same as in the Area 3 Committee report (see Annex 1).

### **4. Recommendation: Approve subject to conditions.**

Contact: Larissa Brooks

This page is intentionally left blank

## **25/00855/PA - 49 HALLSFIELD ROAD, CHATHAM**

### **Item AP3 26/5 referred from Area 3 Planning Committee of 29 January 2026**

Ground floor rear extension and 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.

Further to Minute AP3 25/28 of the meeting held on 11 December 2025, the Committee considered the above application with the report of the Director of Central Services and Monitoring Officer set out in Part 2 of the agenda (Minute AP3 26/8 refers). Some Members continued to express significant concerns in respect of the potential impact of the proposed development on neighbouring amenities, specifically with regard to possible increases in noise and disturbance, inadequate parking provision, and highway safety considerations.

However, as there was no objection raised by the Kent County Council Highways regarding highway safety or insufficient parking provision, it was acknowledged that as a statutory consultee, their response to the consultation would carry significant weight in the determination of this application. It was proposed by Councillor P Hickmott and seconded by Councillor A Oakley that the application be approved subject to an amended Condition 2 as set out in the supplementary report of the Director of Planning, Housing and Regulatory Services. Following a formal vote, the proposal was defeated with seven Members voting against and five Members voting in favour and one abstention.

On the grounds of Members' continued concerns regarding site intensification and shortfall in parking provision, it was proposed by Councillor D Keers and seconded by Councillor A McDermott that the application be refused, contrary to Officer's recommendation, for the following reasons:

- (1) as a result of the increased comings and goings, additional parking of vehicles, staff movements, disruption and activity would result in an unacceptable intensification of the site, out of keeping with the character of this quiet residential area and harmful to neighbourhood, neighbouring amenities, in conflict with policy CP24 of the Tonbridge and Maling Core Strategy and policy SQ1 of the Managing Development and the Environment Development Plan Document; and
- (2) as a result of insufficient off-street parking, the proposal would not function well over the lifetime of the development and the parking plan would not be enforceable or provide sufficient mitigation for the failure to provide the necessary off-street parking spaces. This would amount to poor design and would be detrimental to the functioning of the development, in conflicts with paragraph 135 of the National Planning Policy Framework, policy CP 24 of the Tonbridge and Malling Core Strategy, policy SQ 8 of the Managing Development and the Environment Development Plan Document and the Kent Parking Standards SPD.

Following a formal vote, the proposal was carried with eight Members voting in favour and five Members voting against. On the grounds that the above refusal reasons were not considered could be substantiated at an appeal and there was likely to be a risk of significant costs being awarded against the Council at any appeal, the vote taken was a recommendation only in accordance with Council and Committee Procedure Rule 15.24, Part 4 Rules of the Constitution.

**RECOMMENDED\***: That consideration of the planning application stand ADJOURNED with the recommendation to refuse the planning application being referred for determination by Council in accordance with Council and Committee Procedure Rule 15.24, Part 4 (Rules) of the Constitution.

**\*Recommended to Council**

**Walderslade**

**29 January 2026**

**25/00855/PA**

**Location:** 49 HALLSFIELD ROAD CHATHAM ME5 9RS

**Proposal:** Ground floor rear extension and 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.

**Go to:** [Recommendation](#)

---

## **1. Description of Proposal:**

- 1.1 Determination of this application was deferred on 11 December 2025 to allow for the Director of Central Services and Monitoring Officer to provide the committee with a report setting out the risks involved should the recommendation of officers to grant planning permission subject to conditions not being accepted, and planning permission refused.
- 1.2 This is in line with the Council's Constitution which sets out as follows:
- 1.3 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.
- 1.4 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.
- 1.5 The December 2025 committee report can be found at Annex 1 with its associated supplementary report at Annex 2. The report of the Director of Central Services and Monitoring Officer is contained within Part 2 of the agenda. This report should be read as a whole with both of those documents.

## **2. Recommendation:**

- 2.1 **Approve**, subject to the following:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Planning Statement

Parking Management System

HR-A1-SB-04 – Proposed Block Plan

HR-A1-SB-08 – Proposed Basement and Ground Floor Layout

HR-A1-SB-09 – Proposed First Floor Plan and Roof Plan

HR-A1-SB-20 – Proposed Elevations

BR-AA-XX-XX-DC-E-0403-P02 Vehicle Tracking Path 2 Block Plan View

BR-AA-XX-XX-DC-E-0404-P02 Vehicle Tracking Path 3 - Google Maps View

BR-AA-XX-XX-DC-E-0405-P02 Vehicle Tracking Path 3 - Block Plan View

BR-AA-XX-XX-DC-E-0406-P02 - Vehicle Tracking Path 4 - Google Maps View

Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting that Order), the use hereby approved shall be for a residential institution for adults with learning disabilities and for no other purpose falling within use class C2.

Reason: To ensure the use is controlled in the interests of safeguarding neighbouring amenity.

4. The residential institution shall be limited to no more than 5 residents at any one time.

Reason: To ensure the use is controlled in the interests of safeguarding neighbouring amenity.

5. Before the development hereby approved is occupied, an Operational Management Plan detailing how the residential institution will be operated shall be submitted to and approved in writing by the Local Planning Authority. The management plan should include, but is not limited to, the following details:

- How the staff will engage with the local community
- How visitors will be managed

The facility will be run in accordance with the approved management plan at all times.

Reason: To ensure the use is controlled in the interests of safeguarding neighbouring amenity.

6. The northern and southern elevations of the hereby approved ground floor extension shall be obscure glazed and remain so for the lifetime of the development.

Reason: In the interests of safeguarding neighbouring amenity

7. Prior to the first occupation of the development hereby approved, full details of the proposed privacy screening on the ground floor shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design, height, materials, and finish of the privacy panels. The approved privacy screening shall be installed in full prior to the first occupation and shall thereafter be retained and maintained in situ for the lifetime of the development.

Reason: To protect the amenities of adjoining residential properties and visual amenity.

8. The use shall not be commenced until details of how waste is to be stored on site, and how materials for recycling will be stored separately, have been submitted to, and approved by the Local Planning Authority. The development must be carried out in accordance with those details, and the approved scheme shall be retained at all times thereafter.

Reason: In the interests of residential and visual amenity.

9. The use hereby approved shall not be occupied until the area shown on the submitted layout for vehicle parking spaces has been made available. Thereafter the spaces shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to these reserved parking spaces.

Reason: To ensure that parking is provided, in the interests of residential amenity.

### **Informatives**

During the construction phase, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

Contact: Larissa Brooks

This page is intentionally left blank

---

**Walderslade****11<sup>th</sup> DECEMBER 2025****25/00855/PA****Location:** 49 HALLSFIELD ROAD CHATHAM ME5 9RS**Proposal:** Ground floor rear extension and 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.**Go to:** [Recommendation](#)

---

## 1. Description of Proposal:

- 1.1 Planning permission is sought for a ground floor rear extension and 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 with learning disabilities. The current age group for residents is between 40 – 53.
- 1.2 The company, St Leonard's Place, employs eight members of staff in total. Two staff members are on duty between 8am – 8pm, with one member of staff on duty overnight operating a 'waking night' shift. The site manager is also on site three to four days a week at various times, as needed.
- 1.3 Use class C2 is defined within "Residential institutions" in the Schedule to the Use Class Order (UCO) as follows:
  - "Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses).
  - Use as a hospital or nursing home.
  - Use as a residential school, college or training centre."
- 1.4 It should be acknowledged that under Use Class C3(b), up to 6 residents can live together as a single household, without needing to apply for planning permission, and that this represents a legitimate fallback position to the development. Please see [here](#) for further information.

## 2. The Site:

- 2.1 49 Hallsfield Road is a detached property situated on the east side of Hallsfield Road, Chatham.
- 2.2 There is an Ancient Woodland to the rear of the site, with the rear garden partially sitting within the Buffer Zone.

---

**3. Planning History (relevant):**

No recent planning history.

**4. Consultees:**

4.1 PC: No objection.

4.2 KCC (Highways): KCC Highways has reviewed the submitted Parking Management Plan (PMP). While the applicant has addressed some previously raised concerns, the document lacks sufficient detail, and the requested site plan showing independent accessible parking spaces has not been provided. It is also requested that the applicant confirms the expected daily visitor numbers and explain how these will be managed. Based on the submitted information and review of the site it is not considered that the parking requirements can be met with the application boundary. However, as the site is located on an unclassified road with low traffic flows this is not considered a highway safety issue, but rather a highway amenity concern, the parking shortfall cannot be considered a valid reason for highway objection. It remains recommended that the LPA consult their Parking Enforcement Team.

4.3 Environmental Protection: I've looked through the submitted documents and apart from the construction of a conservatory, there appears to be little structural change.

The change from C3 to C2 would not, at first glance at the information supplied, seem to raise any undue Environmental Protection concerns. I have had one case of this type of use causing alleged noise issues to residents, but this was not substantiated as being Statutory Nuisance. In my experience, that type of disturbance is by no means the norm.

Informatives.

During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site.

4.4 Neighbours: 45 objections (please note that in some cases, numerous objections were received from the same household), concerned with:

- Insufficient parking provision

- 
- Increased vehicular movements
  - Increased noise pollution
  - Fear of crime and security
  - Light pollution
  - Suitability of property for C2 use
  - Unsustainable location
  - Loss of privacy
  - Loss of light
  - Overbearingness of proposed conservatory
  - Waste and odour
  - Loss of residential character
  - Overdevelopment/ intensity of use
  - Stress on local NHS services

4.5 Section 70(2) Town and Country Planning Act 1990 requires the decision maker to have regard to any other material considerations in determining an application for planning permission. The scope of material planning considerations is wide and must have a planning purpose that relates to the character and use of the land. It must fairly and reasonably relate to the proposed development under consideration. The following matters raised by members of the public are not material planning considerations and shall not be considered further:

- The development sets a precedent for further non-residential uses.
- Impact upon property values.
- Restrictive covenants.
- *‘Residents of both Hallsfield Road and Sadlers Close recently opposed and successfully resisted a proposed permit parking scheme. The timing of the renewed yellow line restrictions, combined with this planning application, has understandably given rise to public concern that these actions may be connected. Whether or not this is the case, such perceptions risk undermining public trust in fair and accountable local decision making’* (non-material as conjecture).
- Fly tipping and unauthorised works in Ancient Woodland / TMBC land behind site (falls beyond the scope of this planning application, is being dealt with by the Leisure and Services Department in collaboration with the Tree Officer).
- Other works to the property which do not require planning permission (e.g., internal works), including the actions of contractors and other builders. The LPA do not have authority over this and should instead be reported to the building companies themselves.

4.6 Concern was also raised regarding publicity and Certificates. Immediate neighbours were notified as per Council Statement of Community Involvement and a site notice displayed near the site on 3<sup>rd</sup> October 2025. Although the wrong Certificate was initially issued (Certificate A), this was corrected and a Certificate B was served on

the neighbouring property, No, 51, due to the shared drive. Appeal decisions (including PINS ref. 3009006) have confirmed that although Section 65(5) states that *“A local planning authority shall not entertain an application for planning permission unless any requirements imposed by virtue of this section have been satisfied,”* once the requirements of s.65(5) **have** been satisfied, the authority is not prevented from entertaining the application — even where the requirement is met **after** the application has been submitted. The appeal decision emphasises that principles of natural justice must be taken into account. The purpose of the ownership certificate requirements is to ensure that landowners are made aware of development proposals affecting their land and have an opportunity to participate in the planning process. In this case, the landowner’s interests have not been prejudiced. During the site visit, the planning officer spoke with immediate neighbours to discuss their concerns, and it is clear that the neighbour who should have received notice was aware of the proposal and had also submitted representations online. Accordingly, the LPA considers that there is no reason why Certificate B could not be completed retrospectively.

- 4.7 It is acknowledged that updated plans were submitted close to the public consultation end date, however the Council have kept the consultation open and have allowed members of the public to submit comments after the consultation end date. Furthermore, these were corrections to plans rather than amendments.
- 4.8 It should be noted that some of the older comments relate to inaccurate drawings, these have since been rectified. ‘Do Not Scale’ annotations have been removed. It is not a requirement for street furniture to be shown on site location plans.
- 4.9 Moreover, concern has been raised that the Council have accepted more than one amendment to the planning application, and that this contravenes the Council’s procedure on amendments. This is discussed in greater detail within paragraph 5.57 of this report. Whilst it is acknowledged that more than one set of amendments were accepted, it should be noted that not all amendments received were changes to the proposed scheme, but rather they were corrections to drawings which the procedure states will be accepted. Furthermore, it is at the Officer’s discretion whether to accept such amendments and in this case due to the minor nature of the amendments which did not fundamentally change the proposal these amendments were sought.
- 4.10 There has also been confusion over the description of development, with some residents stating that the conservatory represents a first-floor extension, rather than a ground floor extension. However, the LPA would like to clarify that the proposal description is correct. Although land levels at the site make the extension appear as first floor, it is in fact ground floor, with the annexe below representing the basement level.
- 4.11 Lastly, drawing HR-A1-SB-05 (Existing Basement (Annexe) and Ground Floor Plans) is correct. Although they show the fencing to the rear of the site, this is because the fencing is currently there, so it needs to be shown on the plans so that it is a true

reflection of the existing situation on site. On drawing HR-A1-SB-08 (Proposed Basement and Ground Floor Layout) the fencing to the rear has been removed. This is because the applicant will be removing the fencing in order to provide a parking space to the rear.

4.12 Planning Officers have reviewed the plans and are satisfied that they are correct.

## **5. Relevant Policies & Determining Issues:**

### **5.1 Principle of Development**

5.2 Under Policy CP11, Hallsfield Road is identified as part of the urban area of Walderslade. Whilst it is noted that the policy does not specifically reference changes of use, the principle of development in urban areas is largely acceptable, provided it complies with other relevant local and national planning policies. This shall be assessed in further detail below.

5.3 The proposal would result in the net loss of 1 residential dwelling through the conversion. The Council cannot currently demonstrate a 5 year supply of housing and the loss of a dwelling is undesirable. However, the adopted development plan does not contain policies resisting the loss of such accommodation.

5.4 Furthermore, the Housing Needs Report 2022 identifies 258 residential care bedspaces (C2 planning use class) or 13 each year to 2040.

5.5 In summary, while the proposal would result in the loss of a single dwelling at a time when the Council cannot demonstrate a five-year housing land supply, the development plan contains no policy basis for resisting such a loss. Moreover, evidence in the Housing Needs Report (2022) highlights a clear and ongoing requirement for additional C2 bedspaces within the Borough. These considerations form an important part of the overall planning balance and are examined further in the following sections.

### **5.6 Design**

5.7 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. Policy SQ1 of the MDE DPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas.

5.8 Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

5.9 The proposed rear extension would measure approximately 5.5 metres in depth, 5.6 metres in width, and 3 metres in height. Its fully glazed design is lightweight in

appearance and characteristic of a traditional conservatory, rather than a solid brick-built structure. As the extension is positioned to the rear of the dwelling, it would not be readily visible from the public realm and would therefore have no impact on the street scene or the character of the wider area. Whilst the change in land levels results in the ground floor—and consequently the extension—appearing elevated, this is not considered to be visually intrusive or harmful.

5.10 Overall, it is considered that the design is appropriate for the character of the area and would not detract from the street scene or create any impact on the character and appearance of the area. As such, the development accords with policies CP24 and SQ1 and paragraphs 135 and 139 of the NPPF.

#### 5.11 Residential Amenity

5.12 Saved Policy P4/12 states that extensions to residential properties will not be permitted if they would result in an adverse impact on residential amenity of neighbouring properties in terms of light and privacy and overlooking of garden areas.

5.13 Policy CP1 of the Core Strategy also requires proposals to have regard to impacts on residential amenity.

5.14 It is proposed to construct a conservatory-style extension at ground floor level, replacing the existing terrace. The current terrace has no mitigation measures in place to address potential overlooking. However, given that the proposed conservatory would likely result in a more intensive and year-round use of this space, it is necessary to consider the potential impact on neighbouring residential amenity.

5.15 The two closest neighbouring properties are No. 47 Hallsfield Road to the north and No. 51 Hallsfield Road to the south. No. 47 is positioned further forward on its plot relative to the application site. Substantial soft landscaping exists along the shared boundary, meaning views from the existing terrace—where the proposed conservatory would be located—towards No. 47 are limited and would not result in a material loss of privacy. Whilst some oblique views towards No. 47's garden may be possible, these would be effectively mitigated by the proposed obscure glazing to the conservatory's side elevations, supplemented by a privacy panel for additional screening.

5.16 No. 51 sits level on its plot with No. 49. The proposed obscure glazing to the conservatory's southern elevation will prevent direct overlooking towards No. 51. Although the eastern elevation will not be obscure glazed and may allow some limited views towards No. 51's rear garden, at the time of site visit it was noted that substantial tree cover exists along the boundary between the rear gardens. Given this existing screening and the downward slope of the gardens to the east, any potential overlooking is not considered to result in harm to neighbouring amenity.

- 
- 5.17 It is considered that the proposed conservatory would not result in any loss of light to neighbouring properties, as the 45-degree rule is met on both sides. Moreover, the conservatory is a lightweight glazed structure rather than a solid built form such as a brick extension, which significantly reduces its visual mass and overall impact. As a result, and given the separation distance between properties, the proposal would not appear overbearing or cause undue harm to neighbouring amenity in this regard.
- 5.18 Some residents have raised concerns regarding potential light pollution from the proposed extension. However, it is not considered that the extension would generate significant levels of light pollution that would justify refusal of the application.
- 5.19 Overall, it is considered that the proposals would not result in a significant impact on the amenity of the neighbouring properties in terms of loss of light, light pollution, overbearingness, overlooking and privacy.
- 5.20 There has been a number of objections to the proposal from local residents, largely relating to noise and disturbance. It is noted that the Council's Environmental Protection Team raised no objection to the proposals and stated that noise disturbance from this type of use 'is by no means the norm.' Such uses can operate successfully within established residential areas without resulting in any measurable impact on local amenity or a change to the character of the area. Nevertheless, the extent to which that is achievable in this instance remains a matter of planning judgement, taking into account the specific site context and operational details of the proposal.
- 5.21 The proposal would accommodate five adult residents on a permanent basis. Between 8:00am and 8:00pm, two members of staff would be present on site to provide care, with a site manager attending three to four times per week and remaining on call at all times. The applicant indicates that external visitors include a chiropodist (monthly), a hairdresser (every six weeks), and family visits for one resident every two weeks, with another resident escorted by staff to visit relatives elsewhere. It is noted that details of visitors for the other three residents have not been specified. Therefore, a condition requiring an Operational Management Plan is recommended to ensure visits are staggered to ensure that visits do not result in harm to the amenity of the neighbouring occupiers.
- 5.22 There is no evidence to suggest that the proposed use would generate higher levels of noise and disturbance than its current Class C3 Use. If remaining in Class C3 Use as a family home, the dwelling could accommodate two adults and three+ children in the main dwelling, with further capacity for up to two adults in the annexe. The comings and goings associated with a large family such as this is considered to be comparable to the proposed Class C2 Use. The regular shift patterns and changes at 8am and 8pm would be no different from a family commuting to and from work or school. Visitors are infrequent and again, a Class C3 Use can also generate a large number of visitors, so there is no evidence to suggest the situation would be materially different.

- 
- 5.23 Moreover, if noise nuisances did occur, nearby residents would still be protected under the Environmental Protection Act 1990.
- 5.24 The aforementioned condition requiring an Operational Management Plan is recommended to mitigate impacts to neighbouring amenity. This should include contact details for the site manager so neighbours can get in touch if complaints or concerns arise. Further conditions are recommended restricting the use and the number of residents, so that the LPA can monitor changes to the site.
- 5.25 As such whilst the proposed use is not a private residence, there is nothing to suggest that the use would result in any greater level of noise or disruption than might reasonably be expected in such an area. To reiterate, the Council's Environmental Protection Team have raised no objections on noise grounds, and this further suggests that there is no evidence of any harmful levels of disruption to adjoining properties. The proposals are therefore not considered to result in undue noise and disturbance in line with Policy CP1.
- 5.26 Fear of Crime
- 5.27 It is important to recognise that the planning system does play a role in maintaining and enhancing well-being amongst individuals and communities, and fear is well documented as being an important contributory factor to diminished levels of well-being. Paragraph 96 of the NPPF states that planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. This is echoed in Paragraph 135(f) of the NPPF which states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being.
- 5.28 The courts have held that the fear of crime can be a material consideration if there is some reasonable, cogent evidential basis linking the proposed use or occupiers with criminal activity (*West Midlands Probation Committee v Secretary of State for the Environment* [1997]).
- 5.29 The proposal relates to accommodation for adults with learning disabilities, which is a supported and supervised residential use. It should be noted that the institution must be registered and approved by the Care Quality Commission with stringent checks and inspections on its set up and operations. There is no substantive evidence to suggest that the proposal would give rise to an increase in crime or anti-social behaviour, nor that it would generate a reasonable fear of such outcomes among local residents. Any perceived concern would therefore be speculative and not supported by material planning grounds. On this basis, it is considered that fear of crime does not carry significant weight in the determination of this application.
- 5.30 Amenity of Future Occupiers

- 5.31 Paragraph 135(f) of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.32 The application proposes one double bedroom in the annexe (11.1m<sup>2</sup>), one double bedroom on the ground floor (11.8m<sup>2</sup>), two double bedrooms on the first floor (12.3m<sup>2</sup> and 13.2m<sup>2</sup>) and a single bedroom on the first floor (7.6m<sup>2</sup>). Concerns were raised during the application process about the lack of space for staff and regarding the size of one of the bedrooms (7.2m<sup>2</sup>). Consequently, amended plans were received which subdivided the living room to create a larger double bedroom on the ground floor, and turn the smaller (former) bedroom into an office, as a dedicated space for staff to use. As previously stated, it is recommended that a condition to secure the number of residents to be no more than 5 and to ensure the office is not changed back to a bedroom at a later date.
- 5.33 Although subdividing the ground floor living room has reduced the amount of communal space, this is mitigated somewhat by the creation of the ground floor conservatory-style extension, which will allow the terrace area to be used year-round.
- 5.34 It is noted that members of the public have raised concern regarding non-compliance with both National Described Space Standards (NDSS) and the Kent County Council (KCC) Learning Disability Supported Accommodation Design Principles (May 2017).
- 5.35 The NDSS are not relevant to the determination of this application as they are applied for the creation of new dwellings which this is not.
- 5.36 Regarding the KCC Design Principles, although a material consideration, they carry little weight as they are not formally adopted within the Local Plan. Minor shortfalls in these principles would therefore not warrant a reason for refusal in their own right.
- 5.37 It is worth highlighting that the planning system is just one mechanism in which the suitability of the property for the proposed use will be assessed. The Care Quality Commission (CQC) act as the main body / regulator for residential institutions such as this, and the applicant would be required to register their new location with the CQC who would undertake their own assessment of the facility in line with their regulations.
- 5.38 Therefore, the living standards for future occupants are considered to be acceptable in line with paragraph 135(f) of the NPPF.

#### Highways and Parking Provision

- 5.39 Paragraphs 115 and 116 of the NPPF explain that:

“115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.”

“116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

- 5.40 Policy SQ8 of the MDE DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 5.41 In this case, the relevant parking standards are Kent County Council (KCC) Parking Standards published in January 2025. The guidance sets out the parking standards for new developments in Kent.
- 5.42 The applicant has supplied the LPA with a ‘Deed of Access,’ which shows that No. 49 has a right of access over the shared drive which runs between the application site and No. 51, and vice versa. Consequently, the red line boundary was amended during the application process to encompass the whole drive, as shown on the Deed of Access. This is in line with National Planning Practice Guidance which states that the red line on the location plan ‘should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).’
- 5.43 Although this type of development would usually fall below the threshold for consultation with the KCC Highways Department, due to the considerable public interest, particularly with matters pertaining to parking provision and highway safety, their professional opinion was sought.
- 5.44 In their final set of comments dated 6<sup>th</sup> November, it was stated that:

*“KCC Highways has reviewed the submitted Parking Management Plan (PMP). While the applicant has addressed some previously raised concerns, the document lacks sufficient detail, and the requested site plan showing independent accessible parking*

*spaces has not been provided. It is also requested that the applicant confirms the expected daily visitor numbers and explain how these will be managed. Based on the submitted information and review of the site it is not considered that the parking requirements can be met with the application boundary. However, as the site is located on an unclassified road with low traffic flows this is not considered a highway safety issue, but rather a highway amenity concern, the parking shortfall cannot be considered a valid reason for highway objection. It remains recommended that the LPA consult their Parking Enforcement Team.”*

5.45 The standards can be seen below:

<b>Residential Institutions – C2</b>			
	<b>Car Parking</b>		<b>Goods Vehicles and Coach Parking</b>
	<b>Staff</b>	<b>Visitors</b>	
<b>Nursing / Residential Care Homes</b>	1 space per resident staff + 1 space per 2 other staff	1 space per 6 beds or residents	Minimum of 1 space for an Ambulance (see Note 1)

5.46 No resident staff are proposed. During the day, there will be 2 regular members of staff and the site manager, who will visit the site ad hoc. This generates a requirement for 1.5 spaces, rounded up to 2 spaces. For visitors, 1 space per 6 beds or residents is required. As there are 5 residents proposed, this generates the need for 1 visitor space. In total, 3 parking spaces are required. It is acknowledged that the company uses a pool car to transport residents to appointments and other days out. However, this does not alter the required parking provision of the site on a strict reading of the standards.

5.47 It is acknowledged that there are on-street parking restrictions in the immediate vicinity of the site. These restrictions operate directly outside the property between 12:00pm and 1:00pm, Monday to Friday, and on the opposite side of the road between 11:00am and 12:00pm, Monday to Friday. However, the management of any existing on street parking restrictions falls to the Parking Services teams within District and Borough Councils because it is a devolved function – i.e., it is not the responsibility of the Highways Authority to enforce these restrictions. Therefore, if illegal parking did occur, this would be flagged with the Parking Services Team within the Council.

5.48 Although the plans have been amended during the course of the application, it is considered that the site can only effectively accommodate parking for two vehicles. Vehicle tracking demonstrates that it would not be possible for a car to manoeuvre out of the front parking space independently while another vehicle is stationary. Therefore, only one vehicle can be accommodated at the front. In addition, the

applicant has confirmed that only one car can be accommodated within the rear parking area. To help offset this shortfall, cycle storage provision has been included as part of the proposal.

- 5.49 Although the proposal includes the provision of cycle parking spaces, this does not in itself ensure that they will be used. In practice, it is unrealistic to expect staff working long or overnight shifts to travel by bike, particularly given the likely distances between the site and their place of residence. As such, the shortfall in on-site car parking cannot reasonably be mitigated by the inclusion of cycle spaces, and the LPA has no mechanism to require or enforce staff or visitors to travel by bike. Accordingly, only limited weight can be afforded to this measure in addressing the identified parking deficit.
- 5.50 However, it is noted that the site is classified as being within an urban area in the Local Plan. The policy description states that “*Development at the urban areas can also minimise the need to travel, by being located close to existing services, jobs and public transport.*” One of the determining factors in designating an area as urban would be, amongst other considerations, its accessibility to public transport. Therefore, it is reasonable to assume that the site benefits from at least a basic level of public transport connectivity, which may offer some limited mitigation in respect of the parking shortfall.
- 5.51 The Council are aware that the comments received from Highways were somewhat unclear. We sought advice from a Senior Highways Officer, who provided us with the following final view.
- 5.52 The Highways Authority have advised that Hallsfield Road is a residential street that is not subject to through traffic and therefore conducive to a low-speed environment. Many dwellings have their own dedicated off-street parking which would indicate that Hallsfield Road experiences a low-level of parking stress. This could be quantified via parking surveys, however it was not considered proportionate to the scale of development proposed to request this of the applicant. Moreover, much of Hallsfield Road has a linear alignment meaning that oncoming vehicles would have good visibility of any overspill parking that might be associated with the development. For this reason, although there is a shortfall of 1 parking space, the Highways Authority do not object to the development as the shortfall would not amount to a highway safety concern. As per Paragraph 116 of the NPPF, ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe’. As the impacts on the road network at not considered to be severe or amount to a highway safety concern, Officers conclude that a refusal based on impact to the Highway would not be sustainable at appeal.
- 5.53 Although it is acknowledged that the ambulance space cannot be provided on site, this was not raised as a concern by the Highways Authority. The applicant has

advised that ambulance callouts are by no means the norm and the likelihood of an ambulance being called to the site is the same as any other dwelling in the area.

- 5.54 It is noted that the applicant has installed fencing to the rear and that this currently blocks off the rear parking space. A condition is recommended ensuring that the fencing is removed and the parking space made available prior to first occupation.
- 5.55 In conclusion, it is considered that the proposals do not conflict with Paragraphs 115 and 116 of the NPPF.
- 5.56 Policy SQ8 of the MDE DPD states that development proposals should comply with the adopted parking standards. Although strict reading of the standards would indicate a parking shortfall and therefore non-compliance with the adopted parking standards, this shortfall has been considered in a site-specific context. In the context, the shortfall is considered not to amount to a highway safety issue and therefore is accepted in this instance.

#### Waste

- 5.57 Policy CC2(4) of the MDE DPD states that *'Proposals for development will not be permitted unless they incorporate adequate space for the storage of recyclable and non-recyclable waste, where different waste streams can be segregated and collected, and, in the case of residential schemes, each dwelling with private garden space is equipped, where practicable, with a composting bin.'*
- 5.58 It is acknowledged that concern was raised from local residents regarding waste provision.
- 5.59 The Waste Services Team have been consulted and confirmed that they would provide the property with all the waste receptacles they provide to other residential properties and that the Residential Institution is treated as a Dwellinghouse in this regard. Although the exact size of the bins needed is currently unknown (Waste Services have advised that when/if the property is occupied, they will discuss their needs and provide the most suitable sized bins for their collections), it is considered that there is adequate space to the rear of the site for waste provision, such as that it would not have a harmful impact on visual amenity. It is recommended that details are secured by condition once the sizes of the bins have been confirmed by Waste Services.
- 5.60 The occupancy would be similar to a Class C3 dwelling and the generation of waste and type of waste would be similar such as to not result in harm to the amenity of neighbours by way of waste odour.

#### Pressure on Local Services

- 5.61 Concern has been raised from local residents regarding pressure on local services, particularly GPs. However, this is a small-scale development, with five residents

proposed. This would not make a significant impact on local services, enough to warrant a refusal of the application.

#### 5.62 Public Sector Equality Duty – Equality Act 2010: Equality Impact

5.63 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011. This duty requires public authorities, including the Council, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

5.64 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.

5.65 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legislation and the Council's obligations under the PSED.

5.66 Accordingly, the adopted planning framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.67 In assessing this application, Officers have taken into account the nature of the business, which provides care for adults with learning disabilities. It is recognised that the applicant purchased the property prior to obtaining the necessary planning permissions, and that this application therefore carries significant implications for the applicant, their business, and the residents in their care. Officers have sought to work proactively with the applicant, initially allowing time for the engagement of professional architectural support and subsequently accepting a series of amended plans. This approach went beyond the usual TMBC policy, which permits only one set of amendments per application, and has resulted in what Officers believe to be a policy-compliant scheme.

5.68 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report.

#### Fallback Position

5.69 The applicant has submitted a Change of Use application for Planning Permission and thus the application has been assessed on this basis. However, it should be acknowledged that under Use Class C3(b), up to 6 residents can live together as a single household, without needing to apply for planning permission.

5.70 Classes C3(a) and (b) are set out as follows:

“Use as a dwellinghouse (whether or not as a sole or main residence) —  
(a) by a single person or by people living together as a family, or  
(b) by not more than 6 residents living together as a single household  
(including a household where care is provided for residents)...”

5.71 Paragraph 3B-979 of the Encyclopedia of Planning includes the following statements:

(a) “Class C3 is intended and apt to include small community care homes consisting of up to six people, “living together under arrangements for providing care and support within the community””; (b) “the smaller the number of occupants, the more intimate, integrated and cohesive their occupancy is likely to be and the more apt, therefore, to describe it as a single household”; (c) “Where the household is one where care is provided for residents it remains in this class (provided the limitations are met) rather than class C2 (residential institutions)”; (d) “The Secretary of State does not accept that the distinction depends upon the extent of the care provided”; and (e) “the High Court has confirmed that the Class does not require that the staff providing care for residents need themselves be resident (R. v Bromley LBC Exp. Sinclair [1991] 3 P.L.R. 60)”.

5.72 Should the application be refused, the applicant may seek to pursue a Lawful Development Certificate, which represents a legitimate fallback position. At this stage, the Council does not have sufficient information to assess the likelihood of such a Certificate being granted, nor is that the matter currently before us for determination. The burden of proof would rest with the applicant to demonstrate, on the balance of probabilities, that use of the premises is consistent with a single household (C3(b)) and not of a Residential Institution (C2).

5.73 If a Certificate were to be granted, the use could continue without the Local Planning Authority having the ability to impose conditions, including any relating to operational management as previously suggested within this report.

5.74 It should be noted that Planning Permission would still be required for the ground floor extension.

5.75 Taking into consideration all relevant material planning considerations and the fallback position, the following recommendation is put forward:

**6. Recommendation:**

6.1 **Approve**, subject to the following:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Planning Statement

Parking Management System

HR-A1-SB-04 – Proposed Block Plan

HR-A1-SB-08 – Proposed Basement and Ground Floor Layout

HR-A1-SB-09 – Proposed First Floor Plan and Roof Plan

HR-A1-SB-20 – Proposed Elevations

BR-AA-XX-XX-DC-E-0403-P02 Vehicle Tracking Path 2 Block Plan View

BR-AA-XX-XX-DC-E-0404-P02 Vehicle Tracking Path 3 - Google Maps View

BR-AA-XX-XX-DC-E-0405-P02 Vehicle Tracking Path 3 - Block Plan View

BR-AA-XX-XX-DC-E-0406-P02 - Vehicle Tracking Path 4 - Google Maps View

Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting that Order), the use hereby approved shall be for a residential institution for adults with learning disabilities and for no other purpose falling within use class C2.

Reason: To ensure the use is controlled in the interests of safeguarding neighbouring amenity.

4. The residential institution shall be limited to no more than 5 residents at any one time.

Reason: To ensure the use is controlled in the interests of safeguarding neighbouring amenity.

5. Before the development hereby approved is occupied, an Operational Management Plan detailing how the residential institution will be operated shall be submitted to

---

and approved in writing by the Local Planning Authority. The management plan should include, but is not limited to, the following details:

- How the staff will engage with the local community
- How visitors will be managed

The facility will be run in accordance with the approved management plan at all times.

Reason: To ensure the use is controlled in the interests of safeguarding neighbouring amenity.

6. The northern and southern elevations of the hereby approved ground floor extension shall be obscure glazed and remain so for the lifetime of the development.

Reason: In the interests of safeguarding neighbouring amenity

7. Prior to the first occupation of the development hereby approved, full details of the proposed privacy screening on the ground floor shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design, height, materials, and finish of the privacy panels. The approved privacy screening shall be installed in full prior to the first occupation and shall thereafter be retained and maintained in situ for the lifetime of the development.

Reason: To protect the amenities of adjoining residential properties and visual amenity.

8. The use shall not be commenced until details of how waste is to be stored on site, and how materials for recycling will be stored separately, have been submitted to, and approved by the Local Planning Authority. The development must be carried out in accordance with those details, and the approved scheme shall be retained at all times thereafter.

Reason: In the interests of residential and visual amenity.

9. The use hereby approved shall not be occupied until the area shown on the submitted layout for vehicle parking spaces has been made available. Thereafter the spaces shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to these reserved parking spaces.

Reason: To ensure that parking is provided, in the interests of residential amenity.

**Informatives**

1. During the construction phase, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

Contact: Larissa Brooks

## SUPPLEMENTARY REPORTS

AREA 3 PLANNING COMMITTEE

DATED 11th December 2025

---

**Walderslade****TM/25/00855/PA****Location:** 49 Hallsfield Road, Chatham, ME5 9RS**Proposal:** Ground floor rear extension and 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.

---

An email has been received from a local resident raising concerns regarding potential loss of light and outlook to neighbouring properties. Officers have fully assessed this matter, and the considerations are already addressed within the main committee report. However, for clarity, the following points are provided:

**No. 51:**

No. 51 contains a window serving a kitchen that opens onto the terrace. This is not considered a habitable room, and in line with established assessment methods, the 45-degree test is applied from the primary window of the nearest habitable room. In addition, the separation distance between the properties is sufficient to ensure that no material loss of light would occur. Officers have site photos illustrating this which will not be presented at committee, but they can be made available for Councillors on request.

**No. 47:**

No. 47 sits further forward within its plot compared to the dwelling at the application site. The representation draws a line to the rear of No. 47, which is a conservatory and not a single window. Again, officers have site photos illustrating this which can be made available on request. As this space is fully glazed on all sides, any impact would be negligible given the ability for light to enter from multiple directions. Furthermore, substantial soft landscaping lies between No. 47 and the application site, which already produces some natural overshadowing and provides a visual buffer (see Figures 1 and 2 below).

**Proposed Rear Extension:**

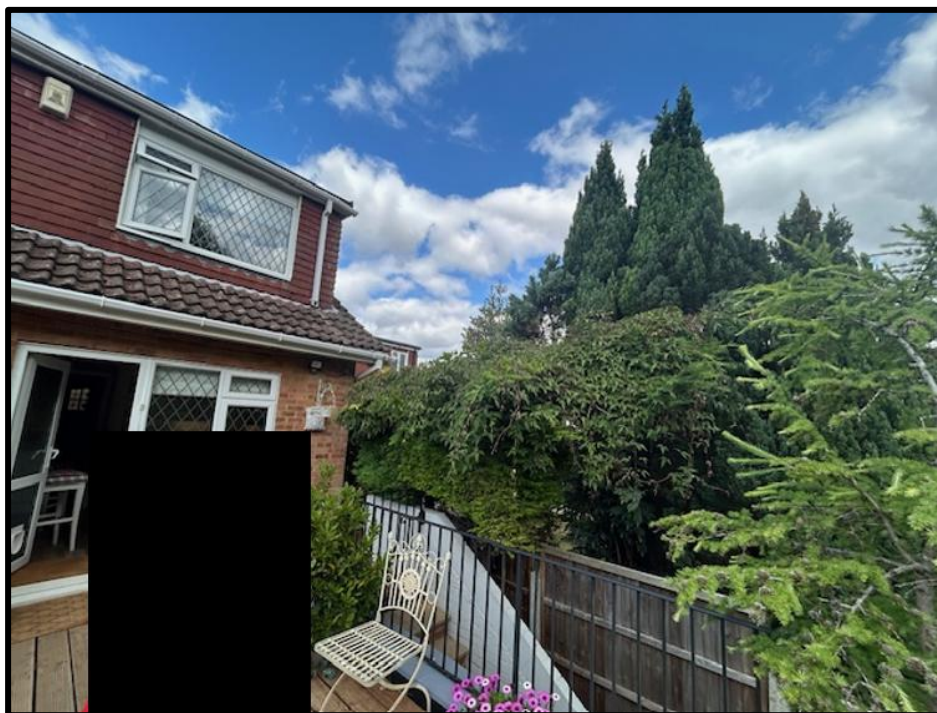
The proposed ground-floor rear extension is of a conservatory-style design and will be fully glazed, allowing light to pass through the structure which further lessens any potential impact on neighbouring light levels.

**Conclusion:**

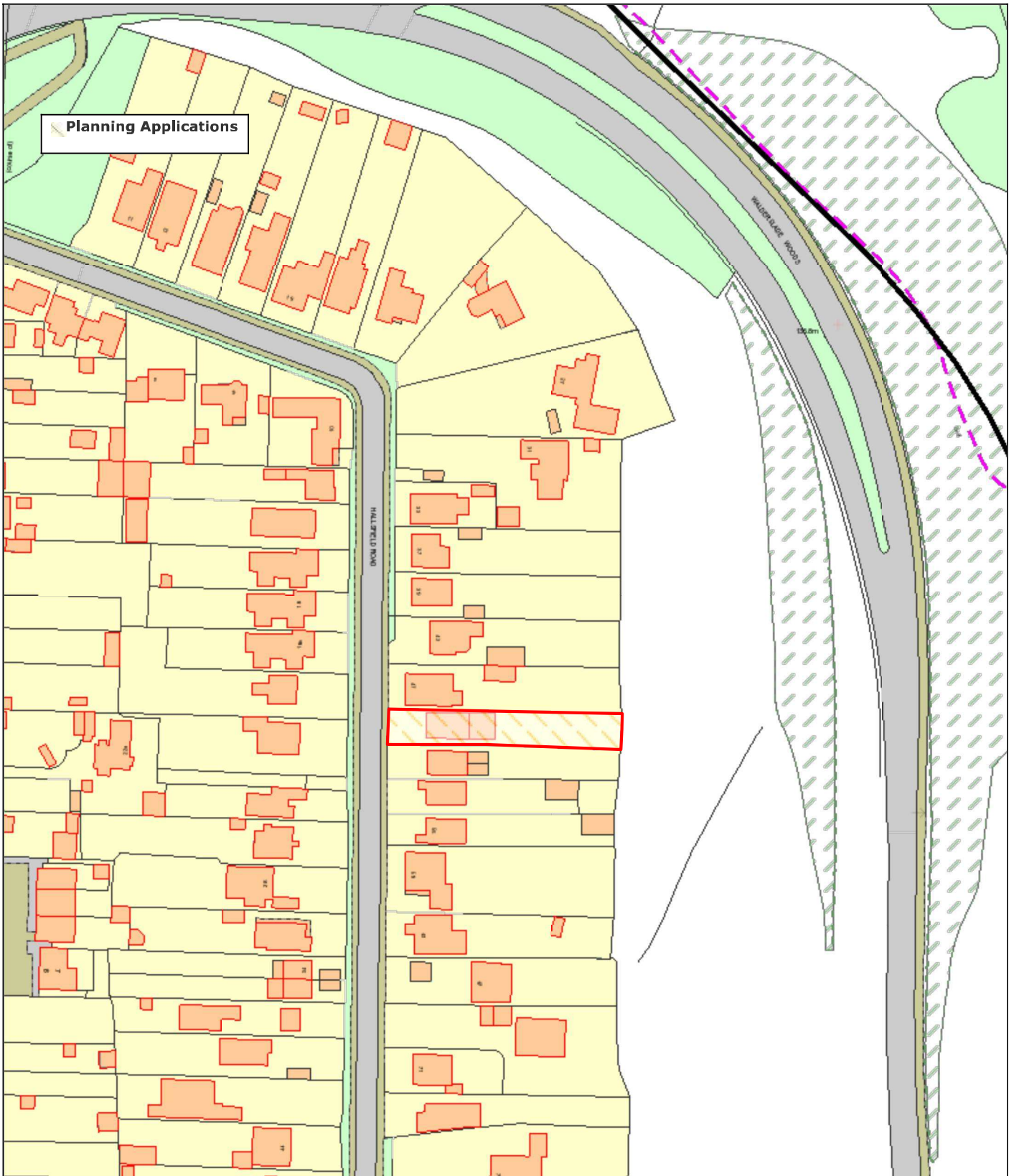
In light of the above, officers are satisfied that the proposal would not result in a material loss of light to Nos. 51 or 47 nor would it adversely impact the outlook of any habitable windows, and this has been fully and accurately considered in the assessment of this application.



**Figure 1** – Soft landscaping separating No. 49 and No. 47  
Taken in winter (Dec 2025)



**Figure 2** – Soft landscaping separating No. 49 and No. 47  
Taken in summer (Jul 2025)



**Planning Applications 25/00855/PA**

**Scale: 1:1250**



Tonbridge & Malling Borough Council  
 Gibson Building, Gibson Dr  
 Kings Hill, West Malling  
 ME19 4LZ  
 Tel.: +44 1732 844522



Date: 14/11/2025 17:01

This page is intentionally left blank

---

**East Peckham**  
East & West Peckham  
Mereworth and Wateringbury

**21 APRIL 2026**

**25/01509/FL**

**Location:** ALLENS OAST 4B OLD ROAD EAST PECKHAM TONBRIDGE TN12 5ER

**Proposal:** Erection of a summerhouse (Retrospective)

**Go to:** [Recommendation](#)

---

## 1. Description of Proposal:

1.1 The proposal seeks retrospective permission for the erection of a summerhouse outbuilding. The proposal is similar to an approved summerhouse outbuilding (under ref: 24/00446/PA), however this proposal has a small projection to the rear. The main summerhouse outbuilding is 6m wide and 4.2m deep. The rear projection measures 2.5m by 1.5m and contains a toilet, sink and shower. The overall footprint is 28.95m<sup>2</sup> and it is located within the rear garden of the dwelling.

## 2. Reason for reporting to Full Council:

2.1 The application was called in to the Area 2 Planning Committee on the 14<sup>th</sup> January 2026 by Councillor Boughton to allow for the consideration of the impact of the proposal on the adjacent Grade II listed building and wider heritage impacts, and its impact on flood risk.

2.2 A vote on the motion that the application should be refused for the following reason, was passed by the Area 2 Committee:

2.3 *The unauthorised erection of 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.*

2.4 In accordance with Committee Procedure Rule 15.24, Part 4 Rules of the Constitution, the application was deferred for a report from Director of Central Services and Monitoring on the risks of costs against the Council arising from a decision contrary to the recommendations of the Director of Planning, Housing and Environmental Health which was considered could not be substantiated at appeal.

2.5 Following the consideration of the cost report of the Director of Central Services and Monitoring Officers, the Area 2 Planning Committee on the 18<sup>th</sup> February 2026, the same motion to refuse the application for the reason given above was carried with seven Members voting in favour and two Members voting against, with one Member abstained from voting. On the grounds that the above refusal reason was not

considered something that could be substantiated at appeal and there was likely to be a risk of significant costs being awarded against the Council at appeal, the vote taken was a recommendation only, in accordance with Council and Committee Procedure Rule 15.24, Part 4 Rules of the Constitution and that the application should be referred to Full Council for consideration in accordance with the constitution.

**3. Determining Issues:**

- 3.1 There has been no change in local or national policy since the application was heard at Area 2 Planning Committee and therefore the determining issues are the same as in the Area 2 Committee report (see Annex 1).

**4. Recommendation: Approve subject to conditions (see previous report in the Annex 1).**

Contact: Suzanne Leach

**TM/25/01509/PA – ALLENS OAST, 4B OLD ROAD, EAST PECKHAM**

**Item AP2 26/13 referred from Area 2 Planning Committee of 18 February 2026**

Retrospective permission for the unauthorised erection of a summerhouse outbuilding.

Further to Minute AP2 26/4 of the meeting held on 14 January 2026, the Committee considered the above application with the report of the Director of Central Services and Monitoring Officer set out in Part 2 of the agenda (Minute AP2 26/16 refers).

On the grounds of Member's continued concerns regarding the impact of the proposal on the adjacent Grade II listed building, wider heritage impacts and landscaping, it was proposed by Councillor S Hudson and seconded by Councillor M Boughton, that retrospective permission be refused, contrary to Officer's recommendation, for the following reason:

- (1) That the unauthorised erection of 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 carried with seven Members voting in favour and two Members voting against. One Member abstained from voting. On the grounds that the above refusal reason was not considered could be substantiated at any appeal and there was likely to be a risk of significant costs being awarded against the Council at any appeal, the vote taken was a recommendation only in accordance with Council and Committee Procedure Rule 15.24, Part 4 Rules of the Constitution.

**RECOMMENDED\*:** That consideration of the planning application stand ADJOURNED with the recommendation to refuse the planning application being referred for determination by Council in accordance with Council and Committee Procedure rule 15.24, Part 4 (Rules) of the Constitution.

**\*Recommended to Council**

This page is intentionally left blank

**East & West Peckham  
Mereworth and Wbury**

**18 February 2026**

**TM/25/01509/PA**

**Location:** Allens Oast, 4B Old Road, East Peckham, Tonbridge TN12 5ER

**Proposal:** Erection of a summerhouse (Retrospective)

**Go to:** [Recommendation](#)

---

## **1. Description of Proposal:**

- 1.1 Determination of this application was deferred on 14 January 2026 to allow for the Director of Central Services and Monitoring Officer to provide the committee with a report setting out the risks involved should the recommendation of officers to grant planning permission subject to conditions not being accepted, and planning permission refused.
- 1.2 This is in line with the Council's Constitution which sets out as follows:
- 1.3 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.
- 1.4 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.
- 1.5 The January 2026 committee report can be found at Annex 1. The report of the Director of Central Services and Monitoring Officer is contained within Part 2 of the agenda. This report should be read as a whole with both of those documents.

## **2. Recommendation:**

2.1 **Approve**, subject to the following:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site location plan P.3633.010.A.

Proposed block plan P.3633.030.A.

Proposed floor plan P.3633.060.A.

Proposed elevations P.3633.070.A.

Proposed landscaping and screening report, received on 26/11/25.

Planning statement.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

2. All materials used externally shall accord with the plans and application details hereby approved.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development.

4. The summerhouse hereby permitted shall be occupied and used for purposes incidental to the enjoyment of the main dwelling house and for no other purposes whatsoever.

Reason: To safeguard the character and amenities of the locality.

Contact: Suzanne Leach

---

**East Peckham**  
East & West Peckham  
Mereworth And Wbury

**14 JANUARY 2026**

**TM/25/01509/PA**

**Location:** ALLENS OAST 4B OLD ROAD EAST PECKHAM TONBRIDGE TN12 5ER

**Proposal:** Erection of a summerhouse (Retrospective)

**Go to:** [Recommendation](#)

---

### **1. Description of Proposal:**

1.1 The proposal seeks retrospective permission for the erection of a summerhouse outbuilding. The proposal is similar to an approved summerhouse outbuilding (under ref: 24/00446/PA), however this proposal has a small projection to the rear. The main summerhouse outbuilding is 6m wide and 4.2m deep. The rear projection measures 2.5m by 1.5m and contains a toilet, sink and shower. The overall footprint is 28.95m<sup>2</sup> and it is located within the rear garden of the dwelling.

### **2. Reason for reporting to Committee:**

2.1 The application has been called in to the Area 2 Planning Committee by Councillor Boughton to allow for the consideration of the impact of the proposal on the adjacent Grade II listed building and wider heritage impacts, and its impact on flood risk.

### **3. The Site:**

3.1 The summerhouse is within the residential curtilage of Allens Oast, a detached dwelling that was converted under application ref: 84/11098/FUL an amendment to the previously approved application ref: 82/10931/FUL. Further garden land was added from No.20 Old Road in 2021. The summerhouse is approximately 28.5m from the main dwellinghouse.

3.2 A summerhouse could ordinarily be considered as permitted development, but this is not the case on this site, as Condition (vi) on the original planning permission (ref: 84/11098) states that '*Notwithstanding the provisions of the General Development Orders 1977-1981, no further alterations or extensions to either oasthouse, nor other development within their curtilages shall be undertaken without the prior consent in writing of the District Planning Authority. Reason: In the interests of visual and residential amenity*'.

3.3 The site is in Flood Zone 2 and the Green Belt.

3.4 There is a Grade II listed building (4 Old Road) to the north west, but this is over 80m away from the summerhouse and concealed from it by the existing dwelling of Allens Oast. Strettitt Place is a Grade II listed building approximately 20m to the east of the summerhouse. Its official listing is: *House. Early C19 elevation to older building. Painted brick with plinth and band. Wide flat projecting eaves with boarded soffit and coupled brackets to plain tiled, hipped roof. 2 dormers. 2 storeys, 5 windows, glazing bar sashes. Central half-glazed and panelled door with projecting Ionic columned porch. House L-shaped in plan, C18 to rear. 2-storey early C19 bow to west and canopied veranda.*

#### 4. Planning History (relevant):

##### **24/00446/PA**

Approved - 07 June 2024  
Erection of a summerhouse

##### **89/11640/FUL**

Grant With Conditions - 25 May 1989  
Garage

##### **84/11098/FUL**

Grant With Conditions - 24 February 1984  
(a) alterations to development previously approved under ref. TM/82/258 to provide ground floor lounge in place of integral garage and to provide two additional bedrooms on first floor, (b) erection of a detached, pitched roof double garage

##### **82/10931/FUL**

Grant With Conditions - 20 July 1982  
Conversion of two former oast houses into dwellings

#### 5. Consultees:

5.1 **East Peckham Parish Council:** The Council opposes and has concerns around how it encroaches on the privacy of neighbours. TMBC need to take this to area planning.

5.2 **Conservation officer:** Raised no objection stating that "*The permitted Summerhouse and the unauthorized addition feature in glimpsed, south-westerly views from the listed building. The addition is largely screened by intervening shrubbery and although of unsympathetic form, the diminutive new structure is of matching materials, and it remains below the eaves level of the Summerhouse. The modest presence of the addition causes no harm to the significance the adjacent designated heritage asset through very minor change within the setting*"

5.3 **Private rep:** Objection because the proposal would adversely impact the setting of a listed building.

5.4 **Private rep:** Objection due to its external appearance (exterior colour, roof tiles, flat roof section). Concerns about the negative impact on the setting of a listed building.

Does not want the summerhouse to become habitable accommodation. Various non-material planning considerations have been raised such as the location of drainpipes, foul drainage and fascia boards.

- 5.5 **Private rep:** Objection due to its size and design. Concerns about it becoming self-contained accommodation in the Green Belt, as well as its impact on the listed building

## 6. **Determining Issues:**

### Policy Guidance

- 6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 6.2 The Development Plan currently comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 6.3 The National Planning Policy Framework (“NPPF Dec 2024”) and the associated National Planning Practice Guidance (“NPPG”) are also important material considerations together with Kent Design Guide.

### Emerging Local Plan

- 6.4 On the 21 October 2025 the Housing and Planning Scrutiny Select Committee, recommended to the Council’s cabinet that the next stage of the emerging draft Local Plan is moved forward, paving the way for the formal public consultation which commenced on 10 November 2025.

### Principle of development

- 6.5 Policy CP3 in the local core strategy states that the National Green Belt policy will apply to development in this context. This is now section 13 of the NPPF. Paragraph 142 emphasises the importance attached to Green Belt land and states that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 154 outlines exceptions to the restrictions imposed by the Green Belt on development. 154(c) allows the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

- 6.6 It is also noted that there is case law, which has established, that an outbuilding can be considered as an addition to a property (an adjunct) having regard to its function, the size of the structure and relationship with the host dwelling.
- 6.7 In this instance it is noted that Allens Oast was created as a residential property following conversion in the 1980s. Since then, it appears that permission has been granted for a garage.
- 6.8 Below is a table with comparative footprint calculations for the additions to the original dwelling:

	Footprint (m <sup>2</sup> )	Cumulative footprint in m <sup>2</sup>	Percentage increase incl. extant garage	Percentage increase excl. extant garage
House approved under 84/11098/FUL	150	150	N/A	N/A
Garage approved under 84/11098/FUL (extant permission)	35	185	N/A	N/A
Porch approved under 84/11098/FUL	3.2	188.2	2%	2%
Garage approved under 89/11640/FUL	40	228.2	23%	29%
Summerhouse approved under 24/00446/PA	25.2	253.4	37%	46%
Proposed summerhouse including rear projection 25/01509/PA	28.95	257.2	39%	48%

- 6.9 The summer house now proposed is considered to be of relatively modest proportions, having regard to the size of the curtilage. The structure would be sited on land that has been in garden use, albeit with a different property until more recent times, and is now considered to have a functional relationship with Allens Oast.
- 6.10 The physical and functional relationship with the main house, means that the proposal could be considered a modest sized extension to the original building in the Green Belt. The size and design are considered to be appropriate for this location and do not cause any harm to the visual amenities of the locality.
- 6.11 In this instance the proposed extension to the outbuilding, described as a summer house, would appear to be for private domestic purposes normally associated with a residential property and would not (together with previous permissions) constitute a disproportionate addition over and above the size of the original building. Hence it would benefit from the exception in Paragraph 154(c) of the NPPF and therefore would not be inappropriate development within the Green Belt.
- 6.12 Furthermore, it should be noted that there is extant permission from 84/11098/FUL for a detached, pitched roof, double garage which was not constructed as part of the conversion of the building to a dwelling. This extant permission is a material consideration for this current application.
- 6.13 Allens Oast and its curtilage lie just outside of the rural service centre of East Peckham. Therefore, it is considered as development in the countryside. This means that policy CP14 in the core strategy will also apply, but this allows an appropriate extension of an existing dwelling. The proposed outbuilding is an appropriate extension to the dwelling and would comply with policy CP14.
- 6.14 In conclusion, the outbuilding is a proportionate extension of the original dwelling, and therefore not inappropriate development within the Green Belt and therefore the principle of development is acceptable and would comply with Policy CP3 and the NPPF.

#### Residential amenity

- 6.15 Policies CP24, P4/12 and PA4/12 explain the importance placed upon development to respect its site and surroundings. P4/12 specifically states that consideration should be given to the potential impacts that a development may have on neighbouring properties.
- 6.16 The previous approval for the summerhouse stated that *'The comments of the neighbour are noted and have been given careful consideration. The summer house would be positioned between 2 and 5 metres from the eastern side boundary and 20m from the nearest part of Strettitt Place. As a result, whilst it may be partly visible from Strettitt Place, it should not unduly affect outlook from the neighbouring property. It is concluded that the proposal would not have an unacceptable impact*

*on the amenities of occupants of neighbouring properties having regard to the policy context outlined above.'*

6.17 This assessment has not changed, as the additional 3.75m<sup>2</sup> rear projection does not have any windows, and is no taller than the eaves of the approved summerhouse. The separation distances to Strettitt Place and other neighbours remain similar to the previously approved outbuilding. Therefore, it will not create any additional adverse impacts on the outlook, privacy or overshadowing for the adjacent neighbours and would not harm their amenity. As such the proposal would comply with policies CP24, P4/12 and PA4/12.

#### Design, materials, street scene and character of the area

6.18 Policies CP24, SQ1 and P4/12 request well-designed, high-quality development. The appearance of the proposal should be designed to respect the site and its surroundings.

6.19 The original approval noted that: *'The outbuilding is to be constructed of a timber frame with shiplap cladding and Kentish peg tiles or similar to the roof. The size and design are appropriate for a domestic building at the edge of the settlement. The materials identified are considered appropriate for this location without need for painting of the elevations.'*

6.20 The cladding has not been painted but is black in colour. This is appropriate for the rural context.

6.21 The materials will match those previously approved, and creates a unified appearance between the rear projection and the main summerhouse. The overall scale of the summerhouse has not changed significantly and is considered appropriate. The summerhouse is not visible from the road, so does not affect the street scene. Modern alterations have already been made to houses nearby, such as detached garages and extensions, so it will not affect the character of the area.

6.22 There are concerns about the visibility of the small extension from Strettitt Place. A landscaping and screening plan has been submitted with a strategy to screen the majority of the summerhouse and its extension from view using vegetation. This has been included as a condition to ensure it is implemented. However, it should be noted that the proposal does not affect the outlook from Strettitt Place and a view is not a material consideration in the determination of this planning application.

6.23 The materials will match the existing ones, so this creates a unified appearance between the rear projection and the main summerhouse. It will not be visible from the road, so will not affect the street scene nor would it harm the character of the area. The outbuilding would therefore comply with policies CP24, SQ1 and P4/12.

#### Setting of a listed building

- 6.24 Chapter 16 of the NPPF relates to the preservation and enhancement of the historic environment.
- 6.25 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for a development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.26 The Conservation Officer's comments summarised in paragraph 5.2 conclude by saying that the summerhouse extension causes no harm to the significance of the adjacent designated heritage asset through very minor change within the setting, and there is no objection in terms of TMBC Historic Environment Conservation Policy.
- 6.27 A similar outbuilding has been previously approved under ref: 24/00446/PA which is a material consideration for this application. The only difference between this application and the previously approved one is the small 3.75m<sup>2</sup> rear projection. Given the modest scale and the design of the addition it is considered that the proposal would not result in harm to the significance of the adjacent listed building nor would the impact be sufficiently different from that previously approved. As such the proposal is not considered to result in harm to the setting of the neighbouring listed building and would be in accordance with the NPPF and S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Flood Risk

- 6.28 The site lies within flood zone 2. Paragraph 181 of Chapter 14 in the NPPF and Policy CP10 in the TMBC Core Strategy focus on development within areas at risk of flooding. It only allows development which is appropriately flood resistant and resilient. A similar outbuilding had previously been approved (ref:24/00446/PA) and this application seeks for approval for a small addition to the approved summerhouse. The outbuilding would not be used for habitable accommodation, so does not require mitigation strategies in respect to resilience measures. Furthermore, the small addition over and above what was previously approved is not of a sufficient scale or massing to result in a significant displacement of flood waters to result in a worsening of flooding to neighbouring sites. As such the outbuilding would comply with policy CP10 and paragraph 181 of the NPPF.

#### Issues raised by reps

- 6.29 Drainpipe is in a different location. – Not a material planning consideration.
- 6.30 Uncertainty about foul drainage from the new shower block. – Not a material planning consideration and would be covered by building regulations.
- 6.31 No fascia board. – The outbuilding is considered to be of an acceptable design.

- 6.32 It might become habitable accommodation. – A condition can be added to ensure it remains ancillary to the main dwelling. Should the outbuilding be occupied as a separate self-contained dwelling it would require planning permission.
- 6.33 Roof tiles have a different appearance. – The proposal is considered to be acceptable in respect to its design and appearance, and its impact on the character of the site and surrounding area, and the setting of the neighbouring listed building.
- 6.34 Encroaches on the privacy of the neighbours. - There are no windows overlooking the neighbouring property and the building is only a single storey, as well as it being sufficiently far away from neighbouring dwellings to prevent adverse overlooking.

## **7. Recommendation:**

### **7.1 Approved** subject to the following:

#### **Conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:  
Site location plan P.3633.010.A.  
Proposed block plan P.3633.030.A.  
Proposed floor plan P.3633.060.A.  
Proposed elevations P.3633.070.A.  
Proposed landscaping and screening report, received on 26/11/25.  
Planning statement.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

2. All materials used externally shall accord with the plans and application details hereby approved.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.  
Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

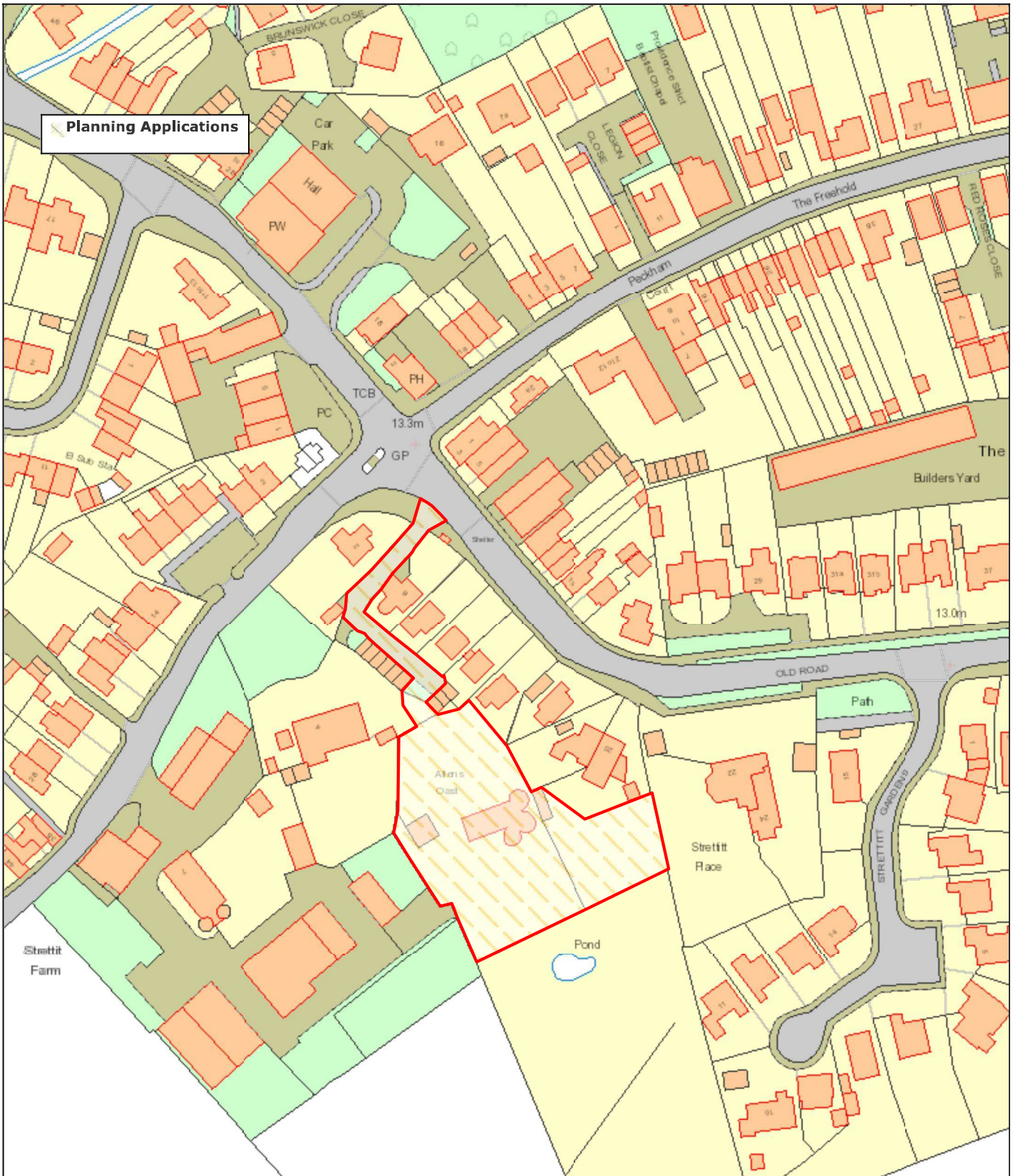
Reason: To ensure a satisfactory appearance to the development.

4. The summerhouse hereby permitted shall be occupied and used for purposes incidental to the enjoyment of the main dwelling house and for no other purposes whatsoever.

Reason: To safeguard the character and amenities of the locality.

Contact: Suzanne Leach

This page is intentionally left blank



**Planning Applications 25/01509/PA**

**Scale: 1:1250**



Tonbridge & Malling Borough Council  
 Gibson Building, Gibson Dr  
 Kings Hill, West Malling  
 ME19 4LZ  
 Tel.: +44 1732 844522



Date: 2/1/2026 15:50

This page is intentionally left blank

---

**Hildenborough**  
Hildenborough

**21 APRIL 2026**

**25/01693/PIP**

**Location:** Land West of 103 Tonbridge Road, Hildenborough Tonbridge

**Proposal:** 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.

**Go to:** [Recommendation](#)

---

## **1. Description of Proposal:**

- 1.1 The application seeks 'permission in principle' (PiP) for a residential development of between 5 - 7 dwellings on land west of 103 Tonbridge Road Hildenborough.
- 1.2 There are two stages to a PiP, the first establishes if a site is suitable in principle, having regard only to whether the 'location', 'use' and 'quantum of development' is acceptable. Planning permission, capable of implementation, is only granted at the second stage, following the approval of a Technical Details Consent (TDC) application. The TDC application must provide sufficient detail on all remaining matters necessary to enable a grant of full planning permission for a site which has the benefit of permission in principle. Conditions may be imposed on a technical details consent in the same manner as full planning permissions, but cannot be appended to a PiP.
- 1.3 Therefore, the only issues for assessment at this stage is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

## **2. Reason for reporting to Committee:**

- 2.1 This application was called in to Area 1 Planning Committee on 12 February 2026 by Councillor Rhodes, in regard to the sites location within the Metropolitan Green Belt and in regard to access onto Tonbridge Road. The original committee report is attached at Annex 1.
- 2.2 Due regard was given to the determining issues detailed in the committee report, as well as points raised by the speaker. Following the debate, a vote on the motion that the PiP application should be refused, contrary to Officer's recommendation, for the following reason, was carried:

*(1) By reason of the provision of five to seven dwellings, the proposed development would be inappropriate development within the Green Belt and result in harm to the openness of the Green Belt, and the benefits of the development would not outweigh*

*the harm to the Green Belt, contrary to Policies CP14 and CP3 of the Tonbridge and Malling Core Strategy 2007 and paragraphs 142 and 145 of the National Planning Policy Framework.*

- 2.3 On the grounds that the above refusal reason was considered something that could not be substantiated at appeal and as such there was likely to be a risk of significant costs being awarded against the Council, the vote taken was a recommendation only in accordance with Council and Committee Procedure Rule 15.24, Part 4 Rules of the Constitution.
- 2.4 The application was presented back to Area 1 Committee on the 26<sup>th</sup> March 2026 with the report of the Director of Central Services and Monitoring Officer set out in Part 2 of the agenda (Minute AP1 26/19 refers).
- 2.5 Some Members continued to express significant concerns in respect of the potential impact of the proposed development on the Green Belt and the open setting and the character of the Hildenborough Conservation Area.
- 2.6 Following these concerns it was proposed by Councillor Rhodes and seconded by Councillor Barton that the application be refused, contrary to Officer's recommendation, 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.*

- 2.7 The Council's Development Manager reminded Members that neither the Conservation Officer nor the Tree Officer had objected to the proposed development at this stage. Members were also reminded that both the Officer's assessment within the Committee report and the Council's own evidence base for the emerging Local Plan confirm that the site constitutes Grey Belt. No expert evidence had been provided by Members to demonstrate that the proposed reasons could be substantiated at any appeal.

2.8 Following a formal vote, the motion was carried with eight Members voting in favour and five Members voting against. On the grounds that the above refusal reasons were not considered could be substantiated at an appeal and there was likely to be a risk of significant costs being incurred by the Council in defending any appeal (including any potential liability to pay the costs of the appellant in the event of an adverse costs award), the vote taken was a recommendation only in accordance with Council and Committee Procedure Rule 15.24, Part 4 Rules of the Constitution.

2.9 As the reasons for refusal differ from when the first cost report was prepared and presented to Area 1 Planning Committee on the 26<sup>th</sup> March 2026, an update cost report has been sought taking into account the amended reasons for refusal and is attached under Part 2 of this agenda.

### **3. Other Matters:**

3.1 There has been no changes to the site context (section 3), consultee and third party comments (section 5), or the Determining Issues (Section 6) since the application was presented to committee on the 26<sup>th</sup> March 2026, nor has there been any change to national or local policy and therefore these sections remain as per the original committee report appended as Annex 1.

### **4. Recommendation: Grant Permission in Principle**

Contact: Susan Field

This page is intentionally left blank

**Item AP1 26/16 referred from Area 1 Planning Committee of 26 March 2026**

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.

Further to Minute AP1 26/10 of the meeting held on 12 February 2026, the Committee considered the above application with the report of the Director of Central Services and Monitoring Officer set out in Part 2 of the agenda (Minute AP1 26/19 refers). Some Members continued to express significant concerns in respect of the potential impact of the proposed development on the open setting and the character of the Hildenborough Conservation Area as well as the designated heritage assets.

However, it was acknowledged that neither the Conservation Officer nor the Tree Officer had objected to the proposed development at this stage and that no expert evidence had been provided to demonstrate that the proposed reasons could be substantiated at any appeal. Furthermore, the limited remit of Permission in Principle was clarified, confirming that issues such as drainage, water infrastructure, access detailing and tree impacts would be fully assessed only at the Technical Details Consent stage.

On the grounds of Members' continued concerns regarding potential harm of the proposed development to the Conservation Area and the designated heritage asset, it was proposed by Councillor M Rhodes and seconded by Councillor K Barton that the application be refused, contrary to Officer's recommendation, 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.

Following a formal vote, the motion was carried with eight Members voting in favour and five Members voting against. On the grounds that the above refusal reasons were not considered could be substantiated at an appeal and there was likely to be a risk of significant costs being incurred by the Council in defending any appeal (including any potential liability to pay the costs of the appellant in the event of an adverse costs award), the vote taken was a recommendation only in accordance with Council and Committee Procedure Rule 15.24, Part 4 Rules of the Constitution.

**RECOMMENDED\***: That consideration of the planning application stand ADJOURNED with the recommendation to refuse the planning application being referred for determination by Full Council in accordance with Council and Committee Procedure Rule 15.24, Part 4 (Rules) of the Constitution.

**\*Recommended to Council**

**Hildenborough**  
Hildenborough

**26 MARCH 2026**

**TM/25/01693/PA**

**Location:** Land West of 103 Tonbridge Road, Hildenborough Tonbridge

**Proposal:** 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.

**Go to:** [Recommendation](#)

---

## **1. Description of Proposal:**

1.1 Determination of this application was deferred on 12 February 2026 to allow for the Director of Central Services and Monitoring Officer to provide the committee with a report setting out the risks involved should the recommendation of officers to grant Permission in Principle subject to conditions not being accepted, and Permission in Principle refused.

1.2 This is in line with the Council's Constitution which sets out as follows:

"If, contrary to a recommendation of the Director of Planning, Housing and Regulatory Services, 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 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.

"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.

“\*‘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.”

1.3 The February 2026 committee report can be found at Annex 1. The report of the Director of Central Services and Monitoring Officer is contained within Part 2 of the agenda. This report should be read as a whole with both of those documents.

**2. Recommendation: Grant Permission in Principle.**

Contact: Susan Field

---

**Hildenborough**  
Hildenborough

**12 FEBRUARY 2026**

**TM/25/01693/PA**

**Location:** Land West of 103 Tonbridge Road, Hildenborough Tonbridge

**Proposal:** 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.

**Go to:** [Recommendation](#)

---

**1. Description of Proposal:**

- 1.1 Permission in principle (PiP) is sought on land west of 103 Tonbridge Road Hildenborough for residential led development of between 5 - 7 residential dwellings.
- 1.2 Stage 1 of a PiP application relates strictly to the principle of development insofar as whether the proposed development would accord with the development Plan.
- 1.3 This application therefore seeks Stage 1 PiP approval to determine whether the principle of between 5 and 7 new houses is appropriate, having regard only to whether the location, use and amount of development is acceptable.

**2. Reason for reporting to Committee:**

- 2.1 The application is presented to committee at the request of Councillor Rhodes, in regard to the site location within the Metropolitan Green Belt and due to the access onto Tonbridge Road.

**3. The Site:**

- 3.1 The site comprises a parcel of land located on the southern side of Tonbridge Road Hildenborough. The site consists of open grassland bordered with mature trees and hedgerows.
- 3.2 The site lies adjacent to the settlement boundary of Hildenborough (to the north side of Tonbridge Road). A 2-storey office building is located to the east of the site, with a number of residential properties further east and pockets of agricultural land backing onto the southern boundary.
- 3.3 In policy terms the site falls within the Metropolitan Green Belt and Countryside. The first 6 metres of the sites frontage also lies within the Hildenborough Conservation Area. To the centre of the site is a large mature Tree which is protected by a TPO (Tree Preservation Order Hildenborough No.4 1981 (12-26-20) TPO 5227). In

addition, the trees along the frontage and marking the eastern boundary of the site are also covered by an area TPO.

- 3.4 The site also forms part of a non designated heritage asset known as Foxbush historic park and garden. Within this non designated heritage asset are Sackville School, Hilden Park School and several dwellings.
- 3.5 Pembroke Lodge at no.162 Tonbridge Road is a Grade II listed building to the northwest, on the opposite side of the road.
- 3.6 The site is also within an archaeological notification area, and a public footpath (MT36) is adjacent to the eastern boundary connecting Tonbridge Road with Stocks Green Road to the south.

#### **4. Planning History (relevant):**

None

#### **5. Consultees:**

- 5.1 Whilst some comments have been summarised for the purpose of this report, all statutory and third-party comments have been reviewed in full. Moreover, whilst not all comments have been specifically referred to within the assessment, all comments have been taking into consideration prior to the determination of the application.
- 5.2 **Hildenborough Parish Council:** Object – Summarised (main paragraphs) as below

Green Belt

Policy CP3 of Tonbridge and Malling Borough Council's Core Strategy (Metropolitan Green Belt) makes it clear that the Green Belt is critical in preventing development in the countryside that would affect its openness. The nation-wide tests of exceptional circumstances would need to be met, and only if an exceptional justification is made, for any change to Green Belt boundaries to be considered.

Emerging Evidence

Looking at the emerging Local Plan and the associated evidence base, specifically the Green Belt Assessment (GBA) undertaken by Arup in October 2025, the site forms part of parcel HI-03. The Assessment identifies the application site as making a strong contribution to Green Belt purposes and explicitly recommends that the parcel of land should not be considered further for development.

As PiP Stage 1 requires a judgement on whether this is an appropriate location for development, the strong Green Belt designation represents a clear and fundamental constraint. For these reasons alone, the site is not suitable for residential development in principle.

Heritage Constraints

The site lies adjacent to several designated and non-designated heritage assets, including Grade II listed buildings and the Foxbush and Mountains Non-Designated Historic Park and Garden. The northern portion of the application site also falls within the Hildenborough Conservation Area, with the appraisal attaching particular importance to the rural landscaped edge along Tonbridge Road.

The Parish Council strongly disagree with the Conservation Officer's assessment that the site only makes a modest contribution to the significance of the Conservation Area, based on limited visual connectivity and the presence of intervening vegetation. This conclusion underestimates both the heritage value of the site's landscape setting and the role it plays in defining the Conservation Area's character, appearance and significance.

#### Landscape and Tree Impacts

Introducing 5–9 dwellings in this position would undermine the setting of Hildenborough. This represents a significant adverse impact on landscape intrinsically linked to the application site's location and amount of development

The trees bordering the southern side of Tonbridge Road are protected by Tree Preservation Order Area 81/10077/TPO. Any proposal to remove, damage or otherwise carry out works to these trees to facilitate a new access would require the prior consent of the Local Planning Authority and should be subject to rigorous scrutiny. The removal of TPO-protected trees should only be permitted where it can be clearly demonstrated that there are no reasonable alternatives and that the loss of protected trees is justified by an overriding need. In this instance, the loss of trees protected for their collective amenity value would result in harm to the character and appearance of the area, and it is not evident that sufficient justification has been provided to warrant their removal, even with the potential for replacement planting.

#### Access

Hildenborough does not benefit from good public transport, and the application site would rely almost entirely on private motor vehicles which is contrary to the Council's climate change agenda, and not good for an Authority that has declared a climate change emergency.

Furthermore, the footpaths adjacent to the site along Tonbridge Road are extremely narrow, and most of the local amenities are on the northern side of the road. The road is also very busy, particularly during the morning & evening peaks and school pick-up and drop off times offering little encouragement for pedestrian movement, and presenting evident accessibility difficulties for the elderly, parents with babies & young children and those with restricted mobility.

#### Ecology

Without surveys, the Local Planning Authority cannot determine whether development would avoid harming the species, whether mitigation would be feasible, or whether a Natural England licence could be obtained. This uncertainty represents a fundamental constraint: if surveys or mitigation indicate that the site cannot be developed without significant harm to GCN, approval of PiP Stage 1 would be premature and inappropriate. National guidance is clear that, even at PiP Stage 1, the LPA must be satisfied that there are no obvious constraints that would make the site incapable of being developed at the Technical Details stage. In this case, the known presence of GCN nearby, combined with the absence of any ecological assessment for the site, demonstrates that this test is not met.

#### Ownership

The documentation submitted fails to demonstrate that the landowner(s) have authorised, supported, or endorsed the current application. In the absence of clear evidence of landowner consent, it is unclear whether the applicant has a genuine intention or ability to carry out the proposed works.❖

- 5.3 **Borough Green Parish Council:** No comments received
- 5.4 **Leisure Services:** No details provide on the number of dwellings and bedroom per unit. Once more details are provided calculations can be undertaken.
- 5.5 **Environmental Health Protection:** No comments to make on the application
- 5.6 **Waste Services:** Standard Information.
- 5.7 **Gardens Trust:** No comments received.
- 5.8 **KCC Highways:** KCC Highways understand that as only permission is sought in principle, highway matters, including access, are not for consideration at this point in time. Should permission be granted this authority will consider the suitability of the access strategy as part of subsequent applications. However, the principle of up to 9 dwellings at this location is acceptable.
- 5.9 **KCC Heritage Conservation:** No comments received
- 5.10 **Historic England:** In this case no advice is offered.
- 5.11 **TMBC Conservation Officer:** The proposal causes some loss of open green space and results in considerable change on the southern edge of the conservation area which fails to enhance or better reveal its special qualities. However, the new development will in effect form a separate enclave, and subject to limited roof ridge heights and a green buffer on the southern boundary of the site, demonstrable harm to the significance of the designated and non-designated heritage assets could be largely avoided.

#### 6. Determining Issues:

---

### Policy Guidance

- 6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 6.2 The Development Plan currently comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 6.3 The National Planning Policy Framework (“NPPF Dec 2024”) and the associated National Planning Practice Guidance (“NPPG”) are also important material considerations together with Kent Design Guide, Kent County Council’s Parking Standards (January 2025), and the Hildenborough Character Area SPD.

### Emerging Local Plan

- 6.4 On the 21 October 2025 the Housing and Planning Scrutiny Select Committee, recommended to the Council’s cabinet that the next stage of the emerging draft Local Plan is moved forward, paving the way for the formal public consultation which commenced on 10 November 2025 and has now concluded on the 2<sup>nd</sup> January 2026.
- 6.5 The emerging Local Plan sets out how the Council will meet the government’s objectively assessed housing need requirement to deliver 19,746 new homes, which equates to 1097 per year.
- 6.6 Whilst the emerging Local Plan is at Regulation 18 stage and therefore carries limited weight, the evidence base in preparation for the emerging Local Plan is a material consideration in the determination of the application.
- 6.7 The site has been considered within the Call for Sites exercise and within the Green Belt Stage 1 and Stage 2 evidence base. Within the Green Belt Stage 1 and 2 the site falls within parcel HI-02 and a very small section of HI-03. This is discussed further within the committee report.

### Background to Permission in Principle applications

- 6.8 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for proposed development from the technical detail of the development.
- 6.9 As stated above, there are two stages to a Permission in Principle (PiP); the first establishes if a site is suitable in principle, covering only three elements the ‘location’, ‘land use’ and the ‘quantum of development’. Where permission in principle is

granted, the default duration of the permission in principle is 3 years. It should be noted that this is not planning permission however, but the first stage towards the granting of planning permission which requires the approval of the technical details stage.

- 6.10 As set out in Article 5D(c)(i) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) the application must be accompanied by a plan which identifies the land to which the application relates. No other details are required to be submitted, and no other details can reasonably be requested in accordance with the 2016 Order and the PPG on PiP.
- 6.11 Furthermore, it is not possible for conditions to be attached to a grant of PiP. However, LPA's can inform applicants about what they expect to see at the technical details consent stage.
- 6.12 Unlike an outline planning permission, PiP grants only permission in principle in respect of the location, land use and amount of development. It does not authorise the commencement of development. Planning permission, capable of implementation, is only granted at the second stage, following the approval of a Technical Details Consent (TDC) application. The TDC application must provide sufficient detail on all remaining matters necessary to enable a grant of full planning permission for a site which has the benefit of permission in principle. Conditions may be imposed on a technical details consent in the same manner as full planning permissions.
- 6.13 If the technical details consent application is refused, the PiP remains unaffected and the applicant has the option to submit a new TDC application. However, a TDC application cannot be made by an applicant if the permission in principle has expired.
- 6.14 Therefore, the main issue for assessment at this stage is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

#### Location / Principle of development

- 6.15 The NPPF seeks to maximise opportunities for the supply of housing in appropriate locations, which can contribute to the sustainability and vitality of existing communities, both urban and rural. Paragraph 78 of the NPPF states, "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old".
- 6.16 The Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need. The Council's latest published position indicates a 2.89 year supply of housing. As a consequence, the policies

most important for determining this application for housing are now out of date in the context of footnote 8 of the NPPF.

6.17 Applying the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF (2024) in the context of decision-making means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

6.18 In relation to Paragraph 11d (i), footnote 7 (NPPF) provides a list of those policies that relate to protected areas and assets of particular importance, this includes Green Belt. Therefore, it first needs to be established whether the policies in the Framework that protect areas or assets of particular importance provide a 'strong' reason for refusing the development.

#### Heritage Assets

6.19 Approximately six metres of the northern section of the site (front) lies within the Hildenborough Conservation Area and the site also falls within the wider non designated Foxbush Historic Park and Garden. Opposite the site is Pembroke Lodge 162 Tonbridge Road and to the west Woodside Cottage 99 Tonbridge Road, both of which are Grade II listed.

6.20 In determining applications, paragraph 210 states "*LPA should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution the assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness*".

6.21 Paragraph 212 sets out that great weight should be given to the conservation of the asset (taking into account the importance of the asset) irrespective of the level of harm arising. If any harm to or loss of the significance of the designated heritage asset (from alteration or destruction or harm to its setting) should require clear and convincing justification.

- 6.22 Paragraph 215 is clear, that were a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use.
- 6.23 Paragraph 216 concerning non designated heritage assets states that the effect of an application on the significance of a non designated heritage asset should be taken into account in determining the application. In weighting applications that directly or indirectly affect non designated heritage assets, a balance judgment will be required having regard to the scale of any harm or loss and the significance of the heritage assets.
- 6.24 The Council's Conservation Officer has reviewed the proposal and first sets out the significance of any heritage assets, noting as follows:

*The Hildenborough conservation area covers the 19th century village centre from St Johns Church to the Half Moon Public House on Tonbridge Road, and extends to the northeast to incorporate Mount Pleasant, Church Road, Half Moon Lane and part of Riding Lane. With the exception of the Half Moon PH - which has earlier origins and reflects the importance of Tonbridge Road as historic coaching route - most of the buildings within the designated area were constructed between 1845 and 1900. Two, Grade II listed, brick buildings of the mid 19th century front the northern side of Tonbridge Road. Although the proposal site is in close proximity to the listed buildings and the southern part of the designated area, it makes a limited contribution to their significance due to visual separation resulting from intervening mature trees and shrubbery.*

*Foxbush Historic Park and Garden (HPG) is defined as a non-designated heritage asset on the Council's Heritage Constraints map. The former parkland was originally associated with Grade II listed Foxbush House - which is now Sackville School - and located well to the west of the proposal site. The softly landscaped, open green space is within the immediate setting of the Hildenborough conservation area, and it contributes to an appreciation and understanding of the significance of the designated area.*

- 6.25 The Conservation Officer then having establishes the significance of the Heritage assets and in doing so considers the impact of the proposal on the significance identified, based on the 'principle' of the proposal only (my emphasis added).
- 6.26 Turning first to the Conservation area. The site is in within the immediate setting of the Hildenborough Conservation Area and as part of the open green space of Foxbush, it makes a modest contribution to the significance of the designated heritage asset. However, its special contribution is limited by the lack of visual connectivity due to impermeable boundaries and the presence of intervening mature trees and shrubbery. The new development will in effect form a separate enclave to the south of the conservation area. Provided the new built form does not exceed two/two-and-a-half storeys, possible glimpses of distant rooftops within the new

development would cause little harm to distinctive local views. While diminishing the relationship between the Conservation Area and the Historic Park and Garden to some extent, the significance of the designated area would remain largely unaffected by the proposal.

- 6.27 Policy SQ3 MDE DPD states that development will not be permitted where it would harm the overall character, integrity or setting of Historic Parks and Garden. In regard to Historic Park and Garden Impacts the Council's Conservation Officer notes, the proposed new built form on the northern edge of Foxbush would sit between existing development to the east and west of the site. Perimeter trees and shrubbery enclose the northern, eastern and western boundaries of the site, and provided the site layout includes a supplementary green buffer along the southern boundary, there would be little visual relationship between the new development and the Historic Park and Garden to the south. Although the proposal would reduce the area of open green space within Foxbush, the new development would form an enclosed enclave and subject to limited roof ridge heights and a substantial green buffer on the southern boundary, demonstrable harm to the significance of the non-designated heritage asset would be largely avoided.
- 6.28 In addition, Officers note that the northern section of the park and garden is characterised by mixed uses, including Sackville School, residential dwellings and the telephone exchange building therefore the introduction of built form in this area would not be out of character.
- 6.29 In conclusion the Council's Conservation Officer acknowledges that *"the proposal causes some loss of open green space and results in considerable change on the southern edge of the conservation area which fails to enhance or better reveal its special qualities. However, the new development will in effect form a separate enclave, and subject to limited roof ridge heights and a green buffer on the southern boundary of the site, demonstrable harm to the significance of the designated and non-designated heritage assets could be largely avoided"*.
- 6.30 It is noted that Hildenborough Parish Council strongly disagrees with the Conservation Officer's assessment, stating that this conclusion underestimates both the heritage value of the site's landscape setting and the role it plays in defining the Conservation Area's character, appearance and significance.
- 6.31 Reference has been made to the Hildenborough Conservation Area Appraisal and that it clearly identifies the landscape features along the southern edge of London Road (now Tonbridge Road) as a key component of the townscape. The Appraisal states that:
- "The hedge and trees lining the southern edge of London Road [Tonbridge Road] are a prominent landscape feature enhancing the setting of the listed buildings and reinforcing the rural character of the village. These form an edge to the Conservation Area."*

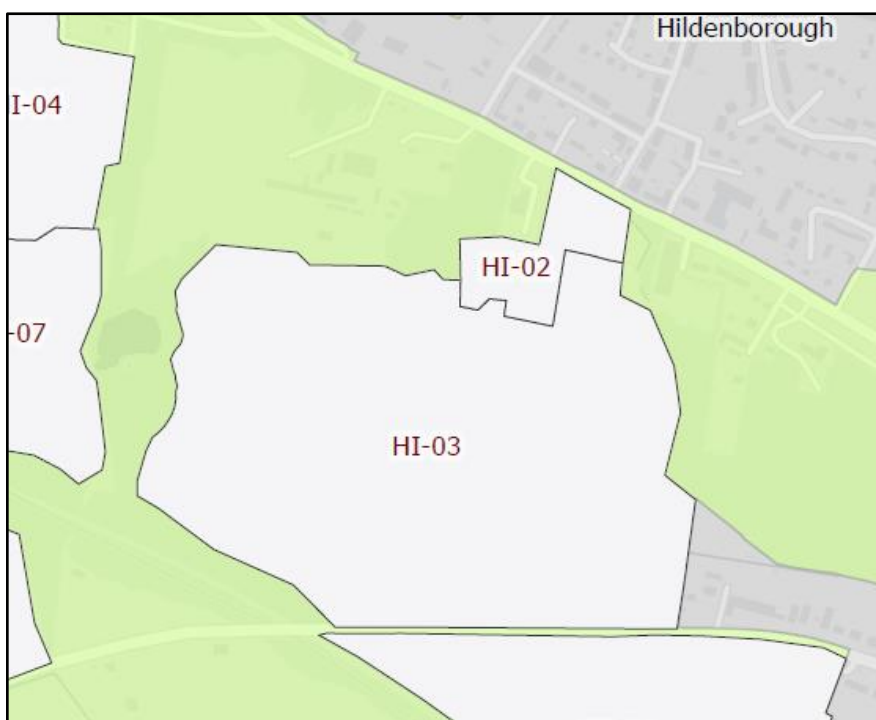
- 6.32 Officers do not disagree that the trees marking the northern boundary of the site play an important role, and in fact the Council's Conservation Officer also acknowledges the significance of the frontage trees, by stating "*Although the proposal site is in close proximity to the listed buildings and the southern part of the designated area, it makes a limited contribution to their significance due to visual separation resulting from intervening mature trees and shrubbery. (my emphasis added). Therefore, the removal of the frontage trees could result in harm being identified, however the loss of any trees along the frontage is a matter of the Technical Detail and is not for consideration at the PiP stage*".
- 6.33 The Parish Council also consider that "*any access arrangement from Tonbridge Road would also necessitate the loss of important vegetation that contributes to the Conservation Area's character to achieve the required visibility splay. Notably, the potential harm that this would cause has previously been held to be a material planning consideration in a 2005 appeal decision (APP/H2265/A/04/1170042) relating effectively to the same strip of landscape edge*"
- 6.34 As already stated, the removal of any trees along the frontage to form the access is a matter which would be considered at the Technical Detail stage and is not for consideration at the PiP stage 1. Officers have also reviewed the appeal decision referenced by the Parish Council and whilst its content is noted, the appeal is some 10 years old and pre dates the NPPF. Officers do not disagree that potential harm is a material consideration, however, that appeal was determined based on a different set of national policies and as such there is no evidence that an Inspector would form the same view should the application be determined by appeal today. The NPPF (paragraphs 213 and 214) is clear that any substantial harm or less than substantial harm identified would need to be considered against public benefits of the scheme, for which the Councils current housing land supply position is a material consideration.
- 6.35 In view of the above assessment, the development of the site for between five and seven dwellings would not necessarily give rise to a level of heritage harm that would render the proposal fundamentally unacceptable in principle, having regard to Policies SQ1 and SQ3 of the MDE DPD and Chapter 16 of the NPPF. This conclusion is subject to the provision of a sympathetic layout and an appropriate type and mix of dwellings, which are matters to be considered at the Technical Details Consent stage. Accordingly, while the site has the potential to accommodate between five and seven dwellings in principle, the Local Planning Authority may withhold support for any subsequent Technical Details Consent application where the detailed house types, design and layout, in particular the proposed vehicular access onto Tonbridge Road as highlighted by the Parish Council, are found to result in unjustified or disproportionate harm to the significance of the designated and non-designated heritage assets identified above.

### Green Belt

- 
- 6.36 The site lies within the Metropolitan Green Belt, wherein Policy CP3 of the Core Strategy states that the Council will apply National Green Belt Policy.
- 6.37 Paragraph 153 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 adds, when considering any planning application, Local Planning Authorities (LPA) should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.38 Paragraph 154 (NPPF) states, LPA's should regard development in the Green Belt as inappropriate unless one of the listed exemptions apply (a to h). In this case, the propose would not fall within any of the exception listed under paragraph 154 NPPF.
- 6.39 However, the most up to date NPPF published in December 2024 introduces the concept of Grey Belt. Grey Belt is now a material consideration and an assessment to establish if the site is Grey Belt must be undertaken. Before Officers undertake a Grey Belt assessment, the evidence base in preparation for the emerging Local Plan is also a material consideration and feeds into the assessment of Grey Belt so this is discussed first.

#### Emerging Local Plan Evidence

- 6.40 As stated above, the site has been considered within the Call for Sites exercise and within the Green Belt Stage 1 and Stage 2 evidence base for the emerging Local Plan.
- 6.41 Representations made on behalf of Hildenborough Parish Council state that the site forms part of parcel HI-03 and moreover that the assessment identifies the application site as making a strong contribution to Green Belt purposes and explicitly recommends that the parcel of land should not be considered further for development. However, the majority of the site is actually located within site reference HI-02 and only a very small section of the site is located within HI-03 (see plan below). The conclusion for Site HI-02 is that the sites overall performance is weak.



6.42 For clarity the table below shows the assessment undertaken for both parcels within the Green Belt Assessment for the emerging Local Plan. (Scale range 0 = weak to 5 = Strong)

Green Belt Purposes	Parcel HI-02	Parcel HI-03
a) To check unrestricted sprawl of large built up area	0	0
b) To prevent neighbouring towns merging into one another	0	0
c) To assist in safeguarding the countryside from encroachment	2	5
d) To preserve the setting and special character of historic towns	0	0
e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	1	1
Overall NPPF	Weak	Strong
Provisional Grey Belt Identification	Yes	Yes

6.43 Furthermore, it is also important to note the both sites HI-02 and HI-03 together form a wider strategic site which is being considered a part of the emerging spatial strategy within the Reg 18 Local Plan.

#### Grey Belt

- 6.44 In regard to Grey Belt, paragraph 155 states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:
- a) The development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
  - b) There is a demonstrable unmet need for the type of development proposed;
  - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
  - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
- 6.45 Turning first to criterion a) Para. 155 the NPPF at Annex 2 provides a definition for Grey Belt: this sets out that for the purposes of plan-making and decision-making, 'grey belt' is defined as:
- "Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development"*.
- 6.46 It has already been established that 'in principle' the proposal is acceptable in regard to heritage and as such there would be no 'strong' reason for refusing or restricting development on the site. Therefore, the next matter for consideration would be to establish if the parcel of land 'strongly' contributes to the Green Belt under purposes a), b), or d) as set out in Paragraph 143 (NPPF). As noted above the site has been assessed as part of the emerging Local Plan. In regard to a), b) and d) both site HI-02 and HI-03 scores 0 and given a provisional Grey Belt identification.
- 6.47 Therefore, to conclude on Para 155 criteria a), Officers are of the opinion that the site does not 'strongly' contribute to the three purposes of the Green Belt as set out above, as such the site would qualify as 'Grey Belt' land. Moreover, the erection of 5 to 7 dwellings on this site would not undermine the wider strategic site being considered a part of the emerging spatial strategy within the Reg 18 Local Plan due to the quantum of development being proposed and therefore would not fundamentally undermine the purposes of the remaining Green Belt.
- 6.48 Turning back to criterion b of paragraph 155) – the Council cannot demonstrate a five-year housing land supply as such there is a demonstrable unmet need for the type of development proposed.
- 6.49 In regard to c), this requires development to be in a sustainable location having specific regard to paragraphs 110 and 115 of the NPPF.

- 6.50 Paragraph 110 (NPPF) identifies that significant development should be focused on locations, which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It also, in paragraph 115, states that in specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
- 6.51 However, paragraph 110 also advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Paragraph 83 states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 6.52 The site is considered not to be in an isolated location. The site is surrounded by development and adjacent to (separated by Tonbridge Road) the settlement boundary of Hildenborough. Hildenborough is identified as a Rural Service Centre within the Core Strategy (Policy CP12). Rural Service Centres are those rural settlements, where a reasonable range of services exist or are easily accessible.
- 6.53 It is noted that Policy CP12 states “*within the Green Belt, development will only be permitted if it is justified by very special circumstances, and in the case of housing, complies with Exception Site Policy CP19*”. However, this element of Policy CP12 pre-dates the NPPF and is not considered to be consistent with the language of the current NPPF and therefore diminished weight is afforded to this element of policy CP12 in this case. In any event, development within the Green Belt is regulated by Policy CP3, which states that the national Green Belt policies will be applied. This has been followed in the above assessment.
- 6.54 Hildenborough Parish Council raises concerns in relation to the site’s location, stating that the site would rely almost entirely on private motor vehicles. The Parish Council also consider, the footpaths adjacent to the site along Tonbridge Road are extremely narrow, and most of the local amenities are on the northern side of the road. The Parish Council also consider road is also very busy, particularly during the morning & evening peaks and school pick-up and drop off times offering little encouragement for pedestrian movement, and presenting evident accessibility difficulties for the elderly, parents with babies & young children and those with restricted mobility.
- 6.55 Tonbridge Road benefits from regular street lighting, footpaths on both side of the road and areas of wider pavements due to traffic calming measures, together with a zebra crossing to the west of the site by the entrance of Sackville School and a further zebra crossing east of the site by Coldharbour Lane.
- 6.56 Whilst the range of services is limited, there is a convenience store, schools, public house, pharmacy, and café. There are also bus stops within easy walking distance

from the site which provide an alternative mode of transport and links to the wider area. The 402 bus runs from Sevenoaks to Tunbridge Wells approximately every 30 minutes Monday to Friday and twice an hour on Saturdays. Therefore, a residential scheme in this location is considered sustainably located in a semi-rural context and not heavily reliant on the motor vehicle.

- 6.57 Turning the criteria d), the proposal seeks PiP for between 5 to 7 dwellings and as such would not constitute a major development, therefore the Golden Rules do not apply to the site.
- 6.58 To conclude on paragraph 155 (NPPF) the site would constitute Grey Belt land and would meet all 'relevant' criteria as set out in paragraph 155 (NPPF) and as such would be regarded as appropriate development within the Green Belt.
- 6.59 Where a development is not inappropriate in the Green Belt, this does not itself remove the land from the Green Belt nor require development proposals to be approved. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, wider policies and considerations apply, including those in the area's adopted Plan, and in the NPPF read as a whole [Paragraph: 010 Reference ID: 64-010-20250225 PPG].

#### Conclusion on Paragraph 11 (d) (i)

- 6.60 After carrying out the 11(d)(i) exercise and subsequently concluding that there are no "restrictive policies" in the NPPF which provide a 'strong' reason for refusal, the application must therefore be considered against paragraph 11(d)(ii) of the NPPF and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, which are discussed below.

#### Countryside

- 6.61 The site lies outside the defined settlement confines of Hildenborough within designated countryside. Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to, but not limited, to a) extensions to existing settlements in accordance with Policies CP11 or CP12, b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use. The proposal does not fit within those categories listed in Core Strategy Policy CP14, however, this policy pre-dates the NPPF and is considered not to be consistent with the language of the NPPF and therefore diminished weight is afforded to the policy in this case.
- 6.62 The NPPF requires planning decisions to avoid the development of isolated homes in the countryside, except in specific circumstances. As noted earlier in the Green Belt assessment, any new dwellings on this site would be considered not to be isolated for the purposes of paragraph 89 of the NPPF. Accordingly, the site's countryside

location does not, in itself, render it unsuitable for housing, nor does it make a scheme of up to seven dwellings fundamentally unacceptable in principle.

### Use

6.63 Officers have concluded that the development would utilise Grey Belt land and moreover the development would be in sustainable location. Therefore, residential use of the site would meet the objective of the NPPF in boosting the supply of housing in sustainable locations. The area is predominantly residential, and the site sits between other built form. Therefore, in regard to 'use', the principle of residential dwellings on the site would be acceptable.

### Quantum of development

6.64 In regard to the quantum of development, Officers raised concerns with the original proposal for 5 to 9 dwellings due to the obvious tree constraints on the site, as such the maximum number of dwellings proposed has been reduced to 7 dwelling.

6.65 Whilst details are limited and no indicative layout has been provided to demonstrate how the proposed dwellings would be achieved on the site. Officers are persuaded on the basis of the submitted information and following a site visit that there is scope for the site to be developed in a way that could accommodate between 5 to 7 dwellings while avoiding fundamentally unacceptable impacts, especially on heritage asset and Green Belt. The quantum of development now proposed (5 to 7 dwellings) is acceptable in principle, subject to finer details to be scrutinised at the TDC stage

### Other Matters

6.66 There were no objections from a number of technical consultees to the proposal in addition to those referred to above, including environmental health, waste services.

6.67 In regard to the access, KCC highways noted that as only permission is sought in principle, highway matters, including access, are not for consideration at this point in time. KCC Highways confirmed that should permission be granted the suitability of the access strategy will be considered as part of Technical Details. However, KCC highways confirm that the principle of up to 7 dwellings at this location is acceptable.

6.68 Policy OS3 MDE DPD requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards set out in Policy Annex OS3.

6.69 Where it is impractical or inappropriate to provide open space on-site, off-site provision (or a financial contribution towards it) will be sought commensurate with the quantitative and accessibility standards set out in Policy Annex OS3.

6.70 As no details have been provided, it is not possible as this stage to establish if the site will provide onsite open space provision or whether an offsite contribution will be

---

required. These details are matters to be considered at the Technical Detail stage and not for consideration at the PiP stage.

- 6.71 Hildenborough Parish Council have raised concerns in relation to ecology stating that without surveys, the Local Planning Authority cannot determine whether development would avoid harming the species, whether mitigation would be feasible, or whether a Natural England licence could be obtained. Ecology would be a matter to be addressed at the technical detail, where standard ecology surveys and BNG documentation would be required and are not for consideration at the PiP stage.
- 6.72 The site's location, which is a matter for consideration at the PiP stage, is not identified as being ecologically significant or sensitive, such as a SAC, SPA or SSSI. Accordingly, there are no ecological considerations of such significance as to render the scheme fundamentally unacceptable in principle. Notwithstanding this, other ecological matters, including potential impacts on protected and priority species and opportunities for biodiversity enhancement, should be assessed and addressed prior to the determination of any subsequent Technical Details Consent application.
- 6.73 Comments have also been raised in relation to ownership, stating that the documentation submitted fails to demonstrate that the landowner(s) have authorised, supported, or endorsed the current application. The application forms for a PiP do not require a certificate to be signed. However, confirmation has been received by the applicant in regard to ownership.
- 6.74 The design of the dwellings would need to take into account the characteristics of the immediate area and comments raised by the Council's Conservation Officer in terms of scale/height of the dwellings proposed.

#### Public Sector Equality Duty – Equality Act 2010

- 6.75 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011. This duty requires public authorities, including the Council, to have due regard to the need to:

Eliminate unlawful discrimination, harassment, and victimisation;

Advance equality of opportunity between people who share a protected characteristic and those who do not; and

Foster good relations between people who share a protected characteristic and those who do not.

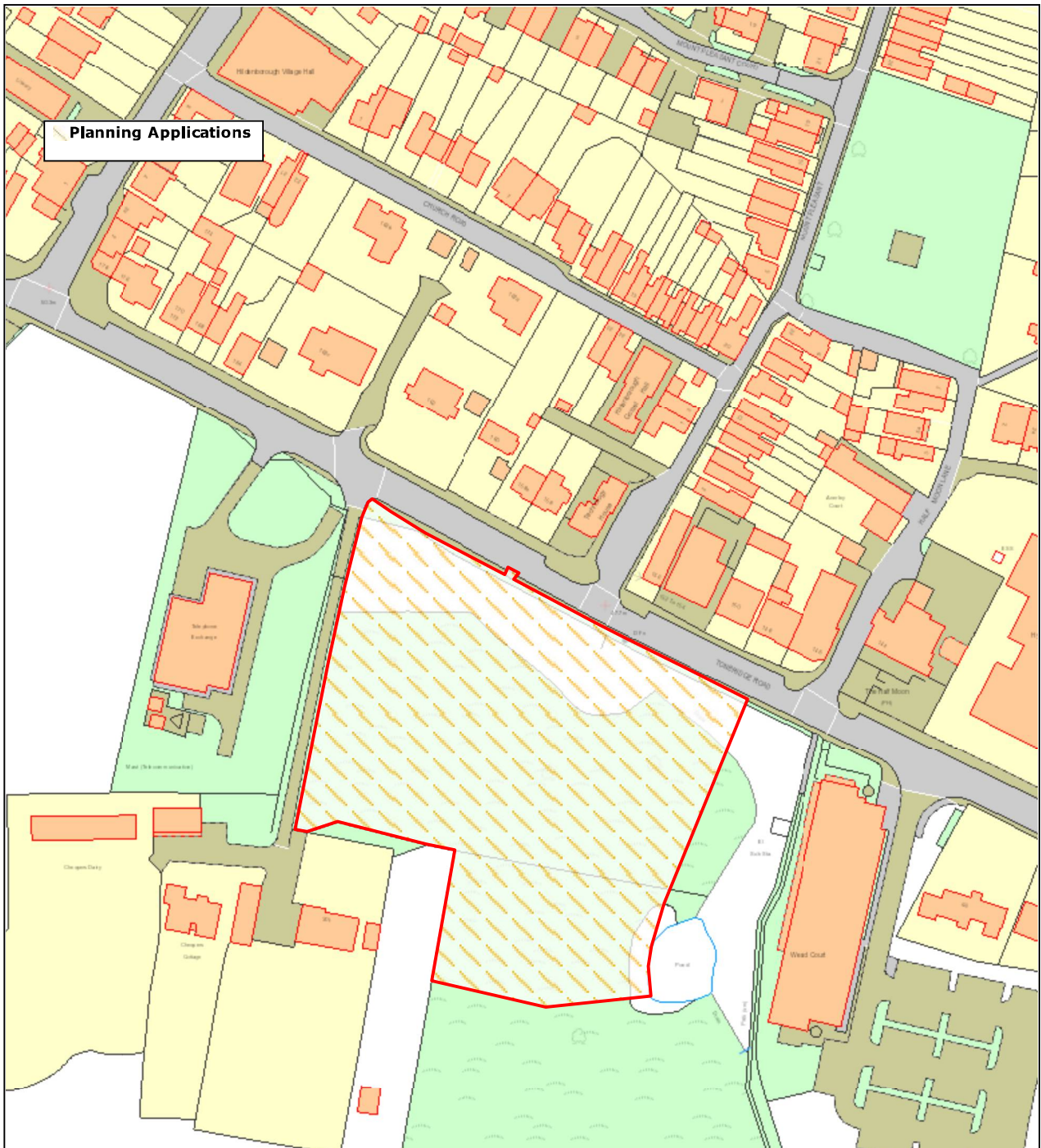
- 6.76 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.

- 6.77 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legislation and the Council's obligations under the PSED.
- 6.78 Accordingly, the adopted planning framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.79 The Local Planning Authority can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.
- 6.80 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report

### Conclusion

- 6.81 The precise nature of the development would be assessed at the Technical Details Consent stage. However, insofar as matters can be considered at the Permission in Principle stage, officers conclude that the principle of residential development of the site for between 5 and 7 dwellings is acceptable. Accordingly, it is recommended that Permission in Principle be granted.
- 6.82 Planning Practice Guidance confirms that conditions cannot be imposed on a grant of Permission in Principle, as the terms of such permission are limited to the site location, the type of development and the amount of development. No conditions are therefore recommended at this stage.
- 7. Recommendation: Grant Permission in Principle.**

Contact: Susan Field



**Planning Applications 25/01693/PA**

**Scale: 1:1250**



Tonbridge & Malling Borough Council  
Gibson Building, Gibson Dr  
Kings Hill, West Malling  
ME19 4LZ  
Tel.: +44 1732 844522



Date: 23/1/2026 10:57

©Crown Copyright and database rights 2022 Ordnance Survey  
100014703.

This page is intentionally left blank

**Tonbridge  
Higham**

**21 April 2026**

**26/00223/DR3**

Proposal: Installation of 3 x external Air Source Heat Pumps (ASHPs) within a screened compound

Location: Poultwood Golf Course Higham Lane Tonbridge Kent TN11 9QR

Go to: [Recommendation](#)

---

**1. Description:**

1.1 Permission is sought to install 3 no. Air Source Heat Pumps (ASHPs) within a 23 sqm enclosure located to the south-east of the existing clubhouse and immediately southwest of the practice putting green. The ASHPs would replace an existing fossil fuel boiler to provide heating and hot water to the golf club. The ASHPs would be enclosed by brown louvred screening standing 3m in height.

**2. Reason for reporting to Full Council:**

2.1 This is a planning application for Council own development. As such the Council's Constitution requires the application to be reported to a full Council meeting.

**3. The Site:**

3.1 The site is located outside the urban confines on Tonbridge, to the north of the town. The site is located within the Green Belt and is accessed from Higham Lane. The site comprises a Golf Club containing an 18 hole course and a separate 9 hole course. An area of Ancient Woodland is located along the south west boundary of the site flanking Ashes Lane.

**4. Planning History (relevant):**

TM/70/10235/OLD grant with conditions 18 February 1970

Outline application for a eighteen hole golf course together with ancillary buildings, car park and club house.

TM/73/10417/OLD grant with conditions 8 May 1973

Erection of golf course depot, water storage tank and pump chamber.

TM/89/11900/FUL grant with conditions 7 April 1989

Extension to restaurant.

TM/92/00777/R4D grant with conditions 8 July 1992

Change of use to recreational land to be used as woodland adjoining existing golf course and as additional access point

TM/93/01286/DR3 grant with conditions 16 April 1993

9 hole short golf course

TM/93/01287/DR3 grant with conditions 23 August 1993

Submission of drainage, irrigation, engineering and contouring details submitted pursuant to conditions 9 and 10 of consent TM/93/0131DR3 - re 9 hole short golf course

TM/93/01288/DR3 grant with conditions 30 September 1993

TM/06/02709/DR3 Grant With Conditions 6 October 2006

Development of practice ground building, additional car parking area and erection of safety netting and supporting poles

## **5. Consultees:**

- 5.1 Environmental Protection: No objections but details should be submitted demonstrating that the noise level of the ASHPs is 5dB lower than background noise levels at the boundary of the nearest noise sensitive premises.
- 5.2 Neighbours (Site Notice only) 27.03.2026: No response

## **6. Determining Issues:**

### **Principle of the development**

- 6.1 The site is located outside of the Tonbridge Urban area within the Metropolitan Green Belt. Policy CP14 of the TMBCS seeks to control development within the countryside, outside of any defined settlement or urban boundary. However, it allows under point (h) for predominantly open recreational uses together with associated essential built infrastructure. Given that the purpose of the development is to provide a more sustainable and less polluting energy source for the golf club, it can be regarded as essential built infrastructure for a

predominantly open recreational use. As such the development does not conflict with policy CP 14.

- 6.2 Policy CP 3 states that with regard to development within the Green Belt, National Green belt policy will be applied.
- 6.3 National Green Belt Policy is currently contained within section 13 of the NPPF. Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.4 Paragraph 153 of the NPPF focusses on proposals affecting Green Belts it states:
- “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 6.5 Paragraph 154 goes on to set out what is meant by appropriate development within a Green Belt. Under point b of this paragraph, the provision of appropriate facilities (in connection with the existing use of land) including buildings, for outdoor sport, outdoor recreation are considered appropriate as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The purposes of including land within the Green Belt are set out in paragraph 143 of the NPPF and are listed as follows.
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.6 Bearing in mind the nature and very limited size of the proposed development and that it would be located close to the existing club house building, the installation of the three ASHPs within a louvred enclosure will clearly not undermine the purposes of including land within the Green Belt. Furthermore, for the same reasons the development will not cause any additional harm to the openness of the Green Belt either.

- 6.7 Taking all of the above into account, the principle of the development is considered to be acceptable in terms of development plan policies CP3 and CP 14 as well as national Green Belt policy contained within the NPPF.

### **Character of the development**

- 6.8 Policy CP24 of the TMBCS states at point (1):

*“All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.”*

- 6.9 This is echoed in policy SQ1 of the MDE DPD which requires proposals to protect and conserve the character and local distinctiveness of local character areas.
- 6.10 The proposed ASHPs and their enclosure will occupy a very small area of mown grass adjacent to the clubhouse and practice green. The enclosure will be seen in the context of the much larger building and will not require the removal of any trees. As such it will be entirely in keeping with the character of this wooded golf course. The proposal therefore complies with development plan policies CP 24 and SQ1.

### **Neighbour Amenity**

- 6.11 There are no neighbouring houses located close to the position of the proposed ASHP's. The nearest dwelling is over 350m away (East Lodge, North Frith Park) to the east and is separated by woodland and the golf course itself. The noise arising from the ASHPs is unlikely to be noticeable to this neighbouring property. However, in order to safeguard the amenity of its occupiers, a condition is recommended to require the noise emitted by the ASHPs to be no higher than background noise levels when measured at the boundary of the nearest noise sensitive premises. A separate condition is also recommended that the enclosure is installed around the ASHPs prior to their first operation and then to remain in place at all times to help limit noise emittance.

### **Ecology and Bio-diversity Net Gain**

- 6.12 Policy NE4 (MDE DPD) sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. It also states (at point 3)

*“Ancient woodland will be protected, and where possible, enhanced through improved management. Development that would adversely affect ancient woodland will not be permitted unless the need for, and benefits of, the development in that location can be demonstrated to override the harm that*

*would be caused to the ecological and historical importance of the ancient woodland”.*

- 6.13 The golf course itself is surrounded by Ancient Woodland. Whilst slivers of Ancient woodland remain within and adjoining the golf course, the site of the ASHPs lies outside of the Ancient Woodland itself, albeit within its 15m buffer. However, the southwest corner of the clubhouse building itself lies within the same buffer. The area proposed to site the ASHPs is a piece of semi-improved grassland, closely mown and located next to the clubhouse and a putting green. It does not contain irreplaceable habitat and indeed is a poor habitat for most species. The location of three no. ASHPs in an enclosure here would not harm the Ancient Woodland itself or the habitat of species living within it.
- 6.14 Since February 2024, Bio-diversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as amended) (as inserted by Schedule 14 of the Environment Act 2021). All development (except some that are exempt) need to deliver a BNG of 10%. However, in this particular case, as the area of land affected by the proposed development measures less than 25 square metres it is exempt from providing BNG.

### **Energy**

- 6.15 As part of its Climate change Strategy, the Council is committed to reducing emissions from energy consumption in all Council buildings and ensure that climate change is a recognised commitment within the corporate strategy. This proposal will see the existing gas fired boilers (which is the main source of heating across the borough) replaced with ASHPs which produce zero emissions at source. Accordingly, the proposed development will be a benefit in terms of reducing the Council’s carbon (and other) emissions and compliant with the Council’s Climate Change Strategy.

### **Other Matters and concluding comments**

- 6.16 Due to the nature and siting of the proposed ASHPs behind the club house, they will not reduce the amount of car parking serving the golf club and will not create a need for any additional car parking to be provided.
- 6.17 The proposed development is acceptable in principle in this rural Green Belt location given its purpose is to provide essential infrastructure to an existing leisure facility. Furthermore, the proposal is welcome from a climate change point of view as it will reduce the golf club’s carbon and other emissions by replacing gas boilers with ASHPs.
- 6.18 The development will not harm the character of the Golf course or wider rural locality due to the small scale and sensitive siting of the proposed ASHPs and their enclosure close to the existing club house building. For the same reasons

it will not cause harm to the amenity of the nearest residential properties located quite some distance away.

6.19 The development will not harm irreplaceable habitat (Ancient Woodland), nor would it require the removal of any trees within the site.

6.20 Taking all of the above into account, this modest development is considered to be acceptable in planning terms and is, therefore recommended for approval.

## **7. Recommendation:**

### **7.1 Grant Planning Permission**

subject to the following:

#### **Conditions / Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be undertaken in accordance with the following approved drawings and documents:

Location Plan dated 10.02.2026, Block Plan dated 10.02.2026, Diagram Detail A dated 10.02.2026, Other Information sheet dated 10.02.2026,

Reason: To ensure that the development is undertaken in accordance with the approved details.

3. The Air Source heat Pumps shall not be operated until the louvred screen enclosure has been erected and shall be retained in place at all times thereafter.

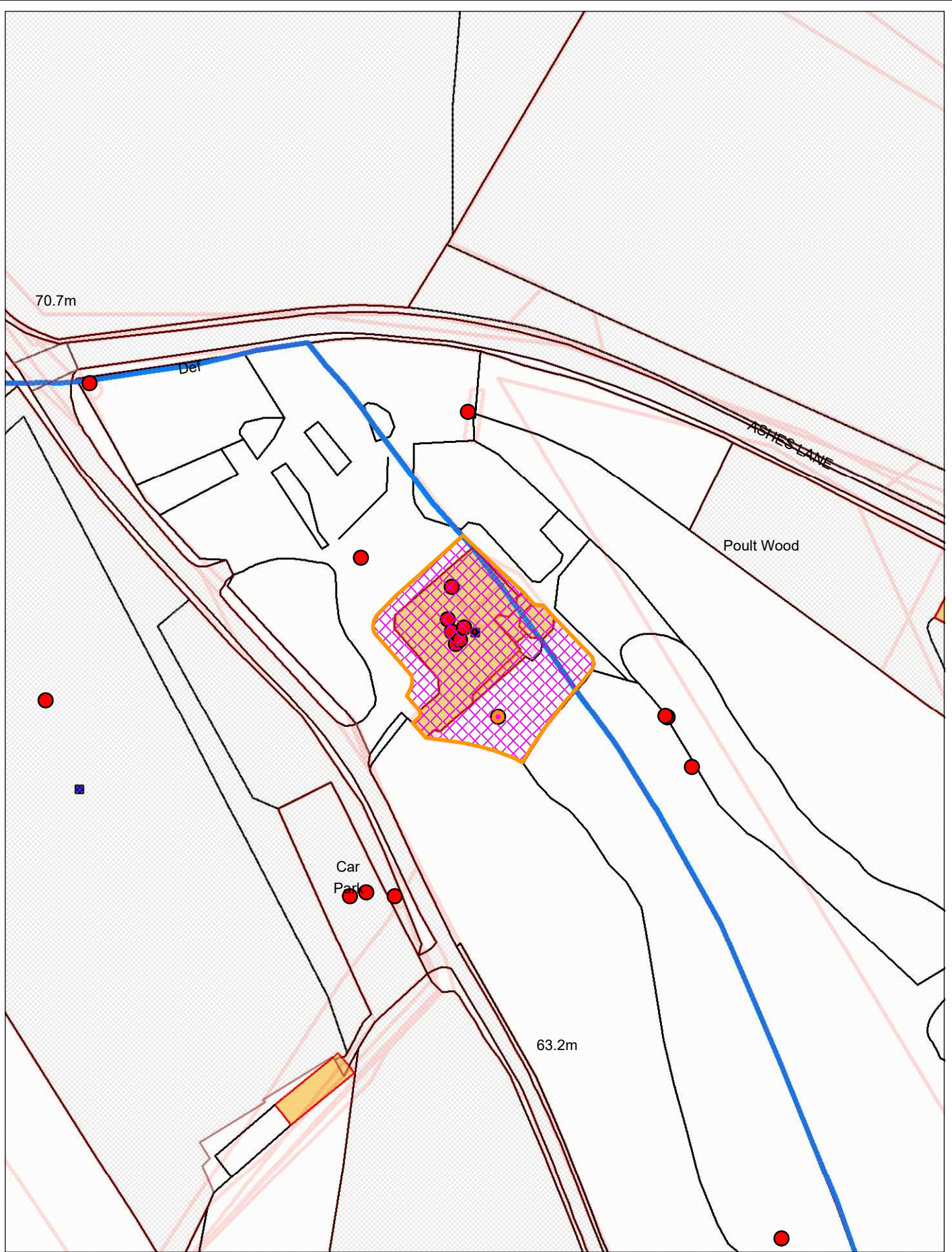
Reason: To avoid unreasonable disturbance to nearby residential properties.

4. Prior to installation of the ASHPs a report shall be submitted to and approved by the Local Planning Authority, demonstrating that the noise from the operations of the air source heat pumps emitted from the site shall be lower than the existing background noise level by at least 5dB when measured at the boundary with the nearest noise-sensitive premises. The measurements and assessment shall be made according to BS4142:2014 +A1:2019.

Reason: To avoid unreasonable disturbance to nearby residential properties.



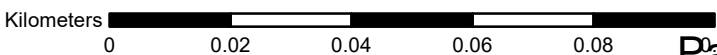
This page is intentionally left blank



ADDRESS: 26/00223/DR3

CASENO: Poultwood Golf Course, higham Lane, Tonbridge, TN11 9QR

Date: 09/04/2026



Scale: 1:1,250

This page is intentionally left blank

## Council

21 April 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 year 2026/27 is attached for consideration. Management Team, Senior Officers and Cabinet Members have been consulted on the proposed dates. The draft programme for 2027/28 is also attached for consideration.
- 1.2 Subject to any amendments identified by Members the programmes will be presented to Annual Council for endorsement.

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

## 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. However, it is considered sensible to present the programmes to this meeting to allow time for any proposed revisions to be made.
- 4.2 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.

## 5 Proposal

### 5.1 Programme of Meetings 2026/27

- 5.1.1 A programme for the municipal year 2026/27 has been prepared for approval and is attached as **Annex 1**.
- 5.1.2 There have been a number of changes to the programme agreed in May 2025 and these are set out below:
- To avoid the LGA Conference (7-9 July 2026), Cabinet of 7 July 2026 has been moved to 30 June 2026;
  - Audit Committee of 21 September 2026 moved to 28 September at request of Service;
  - Tonbridge Community Forum of 28 September 2026 moved to 21 September to accommodate the above;
  - Audit Committee of 11 January 2027 moved to 25 January at request of Service;
  - Due to a drafting error the Audit Committee of 19 April 2027 was missed off the original programme;
- 5.1.3 As a result of a number of high profile and significant projects for the Borough Council in advance of Local Government Reorganisation, such as the Local Plan, an ordinary meeting of the Council has been scheduled for Thursday 3 September 2026. To accommodate this meeting, Area 1 Planning Committee has been moved to Wednesday 2 September 2026. By including this meeting of Council in the programme it provides sufficient notice to all Members and provides a timetable for Officers to work too.

5.1.4 Members are also reminded that there are a number of significant projects to be considered by Full Council during 2026/27 and this may have implications for the meeting programme. However, notice of any changes will be given as soon as possible.

5.1.5 The programme of meetings is set out in a table format and colour coded for easier reference. Dates for Bank Holidays, Elections and other events are also included.

5.1.6 The colour coding highlights significant meetings, such as Annual and Budget Council, where a meeting is to be held in Tonbridge and when a meeting is to be held on a different day than usual.

## 5.2 Programme of Meetings 2027/28

5.2.1 A draft programme for the municipal year 2027/28 has been prepared for consideration and is attached as **Annex 2**. Members are invited to comment on whether there should be any changes.

5.2.2 It is anticipated that a programme of meetings will be required if the Borough Council is operating as a 'shadow authority' under local government reorganisation. Therefore, a schedule of meetings has been planned to enable decision making to continue.

5.2.3 For awareness, further consideration is required on the following points and these will be progressed by Democratic Services in liaison with Services and relevant Members:

- Clarification on the budget setting cycle, subject to confirmation of dates for the Kent County Council, Kent Police and Kent Fire and Rescue Service budget meetings. KCC have indicated that their budget meeting is scheduled for Thursday 11 February 2027, with a reserve date of Thursday 25 February 2027. Kent Fire and Rescue Services have indicated that their budget meeting is scheduled for Thursday 18 February 2027, with no reserve date. **Provisional Borough Council programme allows for Overview and Scrutiny Committee on 21 January 2027; Cabinet on 9 February 2027 and Council on 23 February 2027 and is subject to change.**
- Whether there is potential to change the scheduling of Council to create a better distribution throughout the year. There are certain timetables that have to be followed which will need to be reflected in any changes. For example, the budget setting process requires a meeting of Council in February and there is a requirement for the Annual Council to meet in May.

5.2.4 There are a number of other changes to the programme for 2027/28 as detailed below:

- There is a requirement to move the meeting of Cabinet currently scheduled for Tuesday 6 July 2027 to Monday 5 July 2027 to avoid the LGA Conference. At the time of writing the dates for the Conference have not been announced.
- To avoid diary conflicts the evening before a meeting of Full Council, Tonbridge Community Forum meetings will be rescheduled as follows:
  - 22 February 2027 moved to 8 March 2027
  - 10 May 2027 moved to 21 June 2027
- The meeting of Annual Council in 2027 has been moved to Tuesday 18 May to accommodate Borough and/or Shadow Unitary Council elections.
- Under the current Local Government Reorganisation timetable, a programme of meetings post April 2028 will not be required as Tonbridge and Malling Borough Council will cease to exist from 1 April 2028 and a new unitary authority will be established.

## **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.
- 7.2 The use of the Tonbridge Methodist Church Hall during 2025 for the Tonbridge Community Forum has been successful and the venue will continue to be used for 2026/27.

## **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, significant deadlines related to the Local Plan and the replacement of the Angel Leisure Centre and any unforeseen circumstances.

## **9 Legal Implications**

- 9.1 As outlined in the introduction to the report.

## **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 this report to Council and by consulting with all Members early in the process any suggested amendment can be considered in advance of adopting the programme at Annual Council.

## **11 Implementation**

- 11.1 If the programmes as drafted are approved they will be presented to Annual Council in May for endorsement. 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	Annex 1 – Programme of Meetings 2026/27 Annex 2 – Programme of Meetings 2027/28

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

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</del> 18
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)**

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

\*\*if required

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

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	1	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				28		
Parish Partnership Panel	Thurs			26			18				3		25
Tonbridge Community Forum	Mon				20 27		22			21			8

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

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

\*\*if required

## Council

21 April 2026

## Part 1 - Public

## Matters for Decision



Cabinet Member	N/a
Responsible Officer	Adrian Stanfield, Monitoring Officer Paul Worden, Head of Finance and Section 151 Officer
Report Author	Paul Worden, Head of Finance and Section 151 Officer

## Changes to the Constitution – Financial Procedure Rules

### 1 Summary and Purpose of Report

- 1.1 This report recommends changes to the Financial Procedure Rules set out in Part 4 of the Constitution.

### 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 financial decisions and adjustments can be taken in the most efficient and equitable way.

### 3 Recommendations

- 3.1 Members are requested to agree the changes to the Financial Procedure Rules as summarised in section 5 below and shown in the tracked changes contained in [ANNEX 1].
- 3.2 Members are requested to agree the virement for funds exceeding £100,000 as detailed in section 6 of the report.

### 4 Introduction and Background

- 4.1 The current financial limits and arrangements within the Council's Financial Procedure Rules have remained unchanged for a number of years.

4.2 Following changes to operational matters after COVID and other world events, the Head of Finance and Section 151 Officer has reviewed the rules agreed in July 2025 and is proposing several changes to align with operational matters.

## 5 Proposal

5.1 Contained at Annex 1 to this report is a tracked change version of the Financial Procedure Rules from the Constitution, the paragraphs below give a precis of the changes proposed.

### 5.2 Section 8 - Banking Arrangements

- The Council no longer uses pre-signed cheques therefore the reference to facsimile signatures have been removed.

### 5.3 Section 9 - Corporate Credit Cards

- Although contained in guidance issues to Credit Card Holders rules now contain the use of cards only for Council business purposes.
- Changes to limits must be agreed by the Head of Finance and S151 Officer, and should be for a finite period.

### 5.4 Section 12 - Financial Planning and Control

- Rewording of some paragraphs

### 5.5 Section 13 - Virements

- The current process limit services to flexibly adjust budgets within and between services, the rewording should allow for greater flexibility in dealing with issues.
- Chief Officer Virements in service increase to £50,000 from £25,000.
- Management Team virements between services increase to £50,000 from £25,000.
- The Executive virement increased to £100,000 from £50,000.
- All virements above £100,000 must be approved by Full Council.
- Virements between Revenue and Capital, of vice versa, are not permissible.

### 5.6 Section 14 - Underspending and Overspending

- Rewording of some paragraphs

5.7 Section 15 - Supplementary Estimates

5.8 To assist where reserve funds have been identified for a specific purpose, but no budget exists, some allowance is now being proposed to enable a more proactive approach, particularly around Local Government Reorganisation.

- If the reserve exists for the purpose raised, the Head of Finance and Chief Executive can approve supplementary estimates for Revenue purposes, up to £50,000.
- Above £50,000 and below £100,000 can be approved by Management Team in consultation with the relevant Cabinet Member responsible for the expenditure.
- Above £100,000 would be the responsibility of Full Council on the recommendation of the Executive.
- New paragraph covering incidents requiring the activation of the Council's Borough Emergency Plan or the Council's Business Continuity Plan.
- All of these matters will be reported to the Executive as part of the budgetary control reporting to members.

5.9 Section 16 - Income

- Rewording of some paragraphs

5.10 Section 17 - Fees and Charges

- Rewording of some paragraphs

5.11 Section 18 - Writing Off Debts

- In the event that a written off debt is subsequently found to be recoverable, the Head of Finance and Section 151 Officer will consider the reinstatement of the debt.

5.12 Section 19 - Insurance and Risk Management

- Additional information on the agreed Risk Champions for Members and Officers.
- Wording to review and update risk registers, both operational and Strategic.

5.13 Section 20 - Inventories

- **Change in job title for the Head of IT.**

#### 5.14 Section 22 - Orders for Goods and Services

- Changes to the requirements for what purposes require an official Purchase Order.

#### 5.15 Section 24 - Payment of Invoices

- Changes to reflect the use of electronic signatures.

#### 5.16 Section 25 - Financial Management of Contracts

- Rewording of some paragraphs

#### 5.17 Section 33 - Medium Term Financial Strategy and Savings and Transformation Strategy

- Additional section to ensure the production of longer-term financial forecasting and the requirement to produce and agree a strategy to identify resources to close any funding gaps identified.

### **6 Virement Request**

6.1 Following the establishment changes agreed at General Purposes Committee on the 11<sup>th</sup> March 2026, the recommendation for the Housing Staff was agreed and the financial considerations stated that the funding of £186,800 would be met from the Homelessness Initiatives Budget.

6.2 This budget is contained in the Homelessness Budget within the Planning, Housing and Regulatory Services pages of the published budget book, whereas the staffing budgets are held under the Staffing, Overheads and Democratic Costs pages.

6.3 Given that the amount exceeds £100,000, full Council approval is required for the virement to be authorised.

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

7.1 The changes proposed should ensure that value for money arrangements are maintained within the Council.

### **8 Risk Assessment**

8.1 The proposed amendments should reduce the risk of delay in decision making by officers, whilst maintaining information sharing with Members.

### **9 Legal Implications**

9.1 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.

## **10 Consultation and Communications**

10.1 If agreed, the amended constitution would be published via mod.gov.

## **11 Implementation**

11.1 If agreed, the changes will be implemented with 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.

Background Papers	None
Annexes	Annex 1 – Tracked Changes to Financial Procedure Rules.

This page is intentionally left blank

## FINANCIAL PROCEDURE RULES

1.	<b>Definitions:</b>
	For the purposes of these Financial Procedure Rules the following definitions shall apply:
1.1	<b>The Council</b> means the legal entity "Tonbridge & Malling Borough Council."
1.2	<b>Full Council</b> means the meeting of the Full Council as set out in Article 4 of the Constitution.
1.3	<b>Overview and Scrutiny Committee</b> means a committee as set out in the Overview and Scrutiny Committee Procedure Rules in Part 4 (Rules) of the Constitution.
1.4	<b>Executive</b> means the Executive function as set out in Article 6 of the Constitution.
1.5	<b>Relevant Executive Member</b> means the Executive member to whom responsibility for any specific functions has been delegated.
1.6	<b>Joint Standards Committee</b> means the committee as set out in the Responsibility for Council Functions, Committee Membership and Terms of Reference in Part 3 (Responsibilities) of the Constitution <del>and includes any Advisory Board reporting to it.</del>
1.7	<b>Chief Officer</b> means the designated officers set out in the Functions Delegated to Officers in Part 3 (Responsibilities) of the Constitution and includes any officer of their Service acting on their behalf. The terms include the Chief Executive and Head of Finance and s151 Officer when acting as Service Chief Officers rather than as Head of Paid Service and Chief Finance Officer respectively.
1.8	<b>Statutory Officers</b> means the Chief Executive, the Monitoring Officer and the Head of Finance and s151 Officer as set out in the Functions Delegated to Officers in Part 3 of the Constitution.
1.9	<b>Chief Executive</b> means the Head of Paid Service as set out in Functions Delegated to Officers in Part 3 of the Constitution and includes any officer acting on their behalf.
1.10	<b>Monitoring Officer</b> means the Director of Central Services & Deputy Chief Executive as set out in the Functions Delegated to Officers in Part 3 of the Constitution and includes any officer acting on their behalf.

1.11	<b>Head of Finance and s151 Officer</b> means the Chief Finance Officer holding responsibility for the Council's financial affairs for the purpose of Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988 and set out in the Functions Delegated to Officers in Part 3 of the Constitution. It includes any officer they have designated to act on their behalf.
1.12	<b>Accounts and Audit Regulations</b> means the Accounts and Audit Regulations (England) 2015 or the most recent version of the regulations dealing with local authority accounting and audit requirements which are in force or such other regulations as shall govern the accounting and audit arrangements of the Council from time to time.
1.13	<b>Internal Audit Charter</b> means the document approved from time to time by the Audit Committee setting out the purpose, authority and responsibility of the internal audit function and the overall delivery of the internal audit function in accordance with the Public Sector Internal Audit Standards and the Application Note to the Standards produced by CIPFA.
1.14	<b>Chief Audit Executive</b> the person responsible for managing the internal audit function on behalf of the Authority.
<b>2.</b>	<b>Application</b>
2.1	These Financial Procedure Rules are the framework within which the Council's financial affairs are to be managed and form an important part of its corporate governance arrangements. Every officer and every person acting on behalf of the Council shall comply with the provisions of these Financial Procedure Rules. Failure to do so may result in action being taken in accordance with the Council's disciplinary procedures.
2.2	The Head of Finance and s151 Officer may issue procedures setting out the detailed application of these Financial Procedure Rules as necessary.
<b>3.</b>	<b>Financial Responsibilities</b>
3.1	The Full Council is responsible for setting the budget, including the allocation of financial resources to different services and projects, proposed contingency funds, and setting the Council tax. It is responsible for decisions relating to the control of the Council's borrowing requirement, the control of capital expenditure and the setting of virement limits, as set out in Constitution Article 4 section 4.01 (b).
3.2	The Executive has overall responsibility for implementation of policy in accordance with parameters determined by Full Council and set out in 3.1 above. The Executive is authorised to make all financial decisions subject to such decisions being consistent with overall Council policy and the budget.

3.3	Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them under the Council's budget (Budget and Policy Framework Procedure Rules – Part 4). However, no committee may review or scrutinise a decision in which it was involved. (Article 1 section 1.03.6)
3.4	The Overview and Scrutiny Committee shall be the relevant committee of the Council in respect of the scrutiny of all financial matters, including the financial aspects of matters under the control of other committees.
3.5	The Head of Finance and s151 Officer will be responsible for the accounts and finances of the Council in every respect and as regards every Service.
3.6	The Head of Finance and s151 Officer shall determine all accounting procedures and financial records of the Council and its officers in consultation with the relevant Chief Officer. All new or amended systems, procedures or practices with a financial implication shall be agreed with the Head of Finance and s151 Officer prior to implementation and must meet all requirements specified by them.
3.7	Chief Officers shall be responsible for the proper maintenance of accounting procedures and records within their spheres of responsibility and for the security and integrity of data held in their Service.
3.8	Prior to reporting to Council, Executive, Committee or Advisory Board, Chief Officers shall consult with the Head of Finance and s151 Officer on the financial aspects of any proposals. They shall not advise on the method of financing any expenditure without prior consultation with the Head of Finance and s151 Officer.
<b>4.</b>	<b>Delegation of Financial Responsibilities</b>
4.1	In the event of the Head of Finance and s151 Officer being absent or otherwise unable to act, their nominated deputy shall be empowered to act in relation to these Financial Procedure Rules on behalf of the Head of Finance and s151 Officer. The deputy nominated by the Head of Finance and s151 Officer shall be communicated by them to the Chief Executive and the Monitoring Officer and shall be subject to approval by the former.
4.2	In the event of the Chief Executive being absent or otherwise unable to act, their nominated deputy shall be empowered to act on their behalf in relation to these Financial Procedure Rules. The nominated deputies will be the Monitoring Officer and Head of Finance and s151 Officer acting jointly, unless otherwise determined by the Chief Executive.
4.3	In the event of a Chief Officer being absent any officer of their Service nominated by them shall have authority to act on their behalf in relation to these Financial Procedure Rules.

4.4	In cases of urgency and in the absence of the relevant officer, two of the three Statutory Officers acting jointly shall have the authority in relation to these Financial Procedure Rules of any other officer identified within these Financial Procedure Rules.
<b>5.</b>	<b>Accounting</b>
5.1	The Head of Finance and s151 Officer shall compile all accounts and accounting records of the Council. All financial transactions of the Council shall be properly accounted for and the Council's accounts shall be maintained in accordance with statutory requirements and professional standards.
<b>6.</b>	<b>Petty Cash Accounts</b>
6.1	Petty cash accounts may be advanced to such officers as may be determined by the Head of Finance and s151 Officer and will be such sum as may be determined by them. Such accounts shall be maintained in accordance with such procedures as may be determined by the Head of Finance and s151 Officer.
<b>7.</b>	<b>Audit</b>
7.1	The Council will maintain an adequate and effective internal audit in accordance with statutory requirements and professional standards.
7.2	The Head of Finance and s151 Officer has responsibility for discharging the Council's internal audit responsibilities.
7.3	<p>The scope of internal audits shall encompass the examination and evaluation of the adequacy and effectiveness of the Council's system of internal control and the quality of performance in carrying out assigned duties and responsibilities.</p> <p>Internal audits shall:</p> <ul style="list-style-type: none"> <li>- Review the reliability and integrity of financial and operating information and the means used to identify, measure, classify and report such information;</li> <li>- Review the systems established to ensure compliance with those policies, plans, procedures, laws and regulations which could have a significant impact on operations and reports and should determine whether the Council is in compliance;</li> <li>- Review the means of safeguarding assets and where appropriate verify the existence of such assets;</li> <li>- Appraise the economy and efficiency with which resources are employed; and</li> </ul>

	<ul style="list-style-type: none"> <li>- Review the operations or programmes to ascertain whether results are consistent with established objectives and goals and whether the operations or programmes are being carried out as planned and approved.</li> </ul>
7.4	<p>For the purpose of conducting internal audit enquiries, the Head of Finance and s151 Officer or their authorised representative shall be entitled to:</p> <ul style="list-style-type: none"> <li>- Enter any Council premises or land at reasonable times;</li> <li>- Have access to all records, documents and correspondence relating to any Council business;</li> <li>- Require and receive such explanations as may be necessary concerning any matter under examination; and</li> <li>- Require any employee of the Council to produce cash, stores or any other Council property under their control.</li> </ul>
7.5	<p>Any employee who suspects fraud, financial loss or error must either:</p> <ul style="list-style-type: none"> <li>- Raise their concerns under the Whistle Blowing Policy; or</li> <li>- Inform their Chief Officer, who must notify the Head of Finance and s151 Officer; or</li> <li>- Follow the procedures set out in the Council's Anti-Fraud, Bribery and Corruption Policy.</li> </ul>
7.6	<p>The reporting arrangements in respect of internal audit reports are set out in the Whistle Blowing Policy. In the case of suspected fraud or major internal control weaknesses, the Internal Audit Charter authorises the Chief Audit Executive to investigate and report all instances of fraud.</p>
7.7	<p>The Chief Audit Executive shall have the right of direct access to the Chief Executive, the Monitoring Officer and to Members where they consider this is necessary.</p>
<b>8.</b>	<b>Banking Arrangements</b>
8.1	<p>All facilities required in respect of banking shall be made by the Head of Finance and s151 Officer, who shall be a signatory to every bank account and banking arrangement of the Council.</p>
8.2	<p>All cheques and payment documents shall be ordered only on the authority of the Head of Finance and s151 Officer, who shall ensure proper arrangements for their safe custody.</p>
8.3	<p>Cheques drawn on the Council's banking accounts shall <del>bear the facsimile signature of the Head of Finance and s151 Officer</del> or be signed by the Head of Finance and s151 Officer or officers authorised by them.</p>

8.4	Payments from bank accounts to be processed electronically shall be authorised by the Head of Finance and s151 Officer or officers authorised by them.
8.5	Overdraft facilities may be arranged by the Head of Finance and s151 Officer within overall limits approved by the Council.
<b>9.</b>	<b>Corporate Credit Cards</b>
9.1	All corporate credit cards shall be issued in the name of the Head of Finance and s151 Officer who shall give instructions regarding their use and storage by designated officers from time to time.
<u>9.2</u>	<u>Corporate Credit Cards may only be used in connection with the purchase of goods or services for the Council and must not be used in connection with personal transactions.</u>
<u>9.3</u>	<u>Card limits for overall balances and individual transactions must be agreed in when requesting the card with the Head of Finance and s151 Officer. Requests for variations to these limits must be requested to the Head of Finance and s151 Officer in advance who will authorise the change for an agreed period of time.</u>
<u>9.42</u>	Any officer authorised by the Head of Finance and s151 Officer to hold and use a Corporate Credit Card must <del>strictly</del> comply with the instructions <u>and guidance given</u> <del>and any guidance issued</del> by the Head of Finance and s151 Officer from time to time.
<b>10.</b>	<b>Borrowing Powers</b>
10.1	The borrowing powers of the Council will be exercised only in accordance with the policies of the Council (Article 4 section 4.01 (b)).
10.2	The Head of Finance and s151 Officer is responsible for all borrowing on behalf of the Council.  The Head of Finance and s151 Officer may authorise other Chief Officers to enter into such arrangements if they have examined and are satisfied with the terms of any such arrangement.
<b>11.</b>	<b>Property and Land Holdings</b>
11.1	The Director of Central Services is responsible for maintaining a register of land and buildings owned by the Council and for producing an Asset Management Plan for adoption by the Council.
11.2	The Director of Central Services and Monitoring Officer is responsible for the safe custody of all title deeds relating to Council owned land and property.
<b>12.</b>	<b>Financial Planning and Control</b>

Formatted Table

Formatted Table

Part 4 – Rules – Financial Procedure Rules

12.1	The Head of Finance and s151 Officer shall prepare annual estimates of income and expenditure in consultation with Chief Officers for submission to the Executive.
12.2	In accordance with the Budget and Policy Framework Procedure Rules set out in Part 4 of the Constitution, the Executive will consider annually: <ul style="list-style-type: none"> <li>- The proposed programme of capital expenditure forming List A of the Capital Plan;</li> <li>- Estimates of income and expenditure on the revenue account for the ensuing year.</li> </ul>
12.3	Following consultation as set out in Part 4 of the Constitution, including consultation with the Overview and Scrutiny Committee, the Executive shall consider the consequences of these programmes and estimates and receive the advice of the relevant Chief Officers and the Statutory Officers before recommending to Full Council the council tax to be levied, the revenue budgets and the Capital Plan for the ensuing year.
12.4	The approval of revenue estimates by the Full Council will constitute authority to incur the expenditure as detailed in the estimates.
12.5	Any proposal to incur unbudgeted expenditure after Full Council has approved the budget or Capital Plan must be submitted to the Executive for approval. Approval will be subject to the limits on virement set out in paragraph 13.3 of these Financial Procedure Rules and the requirements in respect of supplementary estimates set out in paragraph 15.1 of these Rules.
12.6	Each Chief Officer is responsible for the control of income and expenditure, <u>for both Revenue and Capital</u> within the Services under their control.
12.7	Each Chief Officer shall immediately advise the Head of Finance and s151 Officer should they become aware of a variance or likely variance <u>of more than £5,000</u> from an approved <u>revenue or capital</u> estimate in the budget, <del>or Capital Plan that will exceed £5,000.</del>
12.8	Variance or likely variance from an approved estimate of more than £10,000 shall be reported by the Head of Finance and s151 Officer to the Executive.
12.9	The Head of Finance and s151 Officer shall provide the Executive with regular monitoring reports during each financial year comparing actual expenditure against the budget in key areas. These include salaries expenditure, investment and other major sources of income, collection of council tax and national non domestic rates, and such other key financial performance information as the Head of Finance and s151 Officer considers is necessary for the Executive to discharge its responsibilities effectively.
12.10	The Head of Finance and s151 Officer shall provide the Executive with regular monitoring reports comparing actual capital expenditure with the Capital Plan List A for the financial year in question.

Formatted Table

Part 4 – Rules – Financial Procedure Rules

12.11	The Head of Finance and s151 Officer shall provide an annual outturn report to the Executive showing actual revenue and capital expenditure against the revenue budget and Capital Plan for the preceding financial year, together with their recommendations on any action that should be taken in the light of the outturn information.
-------	---

12.12	The Head of Finance and s151 Officer will meet the requirements of Section 9 of the Accounts and Audit (England) Regulations 2015 as amended from time to time by presenting the Statement of Accounts to the Audit Committee, which shall have delegated authority to approve these on behalf of the Council.
12.13	Nothing in these Rules shall prevent the expenditure by Chief Officers on any item which is essential to meet any immediate needs created by an emergency or which is anticipated by Section 138 of the Local Government Act 1972 subject to a subsequent report on such expenditure being made to Cabinet and/or Full Council.
<b>13.</b>	<b>Virements</b>
13.1	The transfer of budgetary provision from one area of revenue or capital income/expenditure to another in order to finance spending in an area by using a saving in another area is known as a virement.
13.2	Under Article 4 section 4.01 (b) only the Full Council may change the limits for virement. Only Full Council may authorise a virement that commits the Council to ongoing future expenditure.
13.3	The limits for virement approved by the Council are as follows: <ul style="list-style-type: none"> <li>- Chief Officers may transfer up to <del>£10,000</del> <u>50,000 per item in a financial year</u> between budgets relating to the same area of Service activity (e.g. housing, environmental health, leisure etc.). Any such transfer must be immediately notified in writing to the Head of Finance and s151 Officer.</li> <li>- The Chief Executive, in consultation with the Management Team and Head of Finance and s151 Officer, may transfer up to <del>£25,000</del> <u>50,000 per item in a financial year</u> between <u>different areas of Service Activity</u>, <del>budgets relating to the same area of Service activity.</del></li> <li>—The Executive may approve virements up to a limit of <del>£50,000</del> <u>100,000</u>, <del>including those that involve a transfer between different areas of Service activity.</del></li> <li>- <u>Any virement above £100,000 will require approval by Full Council following reporting to the Executive.</u></li> </ul>
13.4	The Head of Finance and s151 Officer will report to the Executive any virements approved by Chief Officers or the Chief Executive.
13.5	<u>Virements between Capital and Revenue budgets, or vice versa, are not permissible under any circumstances, these types of requests will be considered as Supplementary Estimates under section 15 of the Financial Procedure Rules.</u>
<b>14.</b>	<b>Underspending and Overspending</b>
14.1	If revenue budgets are underspent or overspent at the year end, the following

Formatted Table

Formatted: Indent: Left: 0.17 cm, Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted Table

Formatted: Space After: 6 pt

Commented [AS1]: Can we be clear what section 15 is? i.e. Section 15 of...

Formatted Table

	applies:
	<ul style="list-style-type: none"><li>- No underspending may be carried forward to the following year unless specifically authorised by the Head of Finance and s151 Officer. Any such amounts must be <u>transferred to</u> <del>the subject of</del> an earmarked reserve; and</li></ul>

	- Any overspending shall be reported to the Executive by the Head of Finance and s151 Officer in an outturn report, <u>the Chief Officer responsible will provide details for the reason causing the variation and whether it is considered a one-off or ongoing variation.</u> If in the opinion of the Head of Finance and s151 Officer the overspending is significant and relates to functions not the responsibility of the Executive then they shall also report to the appropriate Committee.
<b>15.</b>	<b>Supplementary Estimates</b>
<u>15.1</u>	<u>Where a reserve has been established for a specific purpose, the Head of Finance and s151 Officer in conjunction with the Chief Executive may approve a supplementary estimate for an item of expenditure of up to £50,000. Any agreed expenditure and the use of the reserve must be reported to the Executive in conjunction with budgetary control reporting.</u>
<u>15.2</u>	<u>Where a reserve has been established for a specific purpose, Management Team, in consultation with the relevant Cabinet Member may approve a supplementary estimate for an item of expenditure of up to £100,000. Any agreed expenditure and the use of the reserve must be reported to the Executive in conjunction with budgetary control reporting.</u>
<u>15.3</u> <del>4</del>	Supplementary estimates <u>for revenue and capital expenditure, where specific reserve funding has not been identified, for revenue and capital expenditure</u> will only be granted in exceptional circumstances and will <u>may only be only be</u> approved by the Full Council following a recommendation from the Executive.
<u>15.4</u> <del>2</del>	In cases of urgency, with the agreement of the Leader and the Chair of the Overview and Scrutiny Committee, the Chief Executive in consultation with the Head of Finance and s151 Officer may approve additional revenue or capital expenditure. The Chief Executive will report such approvals and the circumstances that made them necessary to the Executive and the Overview and Scrutiny Committee. The Executive will consider whether a virement is possible or recommend approval of a supplementary estimate.
<u>15.5</u>	<u>Where the Duty Emergency Coordinator has declared that an emergency exists, activating the Borough's Emergency Plan or an incident has created the need to implement the Council's Business Continuity Plan, the Head of Finance and s151 Officer, in consultation with the Leader of the Council or Cabinet Member for Emergency Planning and Chief Executive, may approve revenue supplementary estimates specific to expenditure on that situation, up to the sum of £100,000.</u>
<b>16.</b>	<b>Income</b>
16.1	Arrangements for the collection of all monies due to the Council will be subject to the prior approval and control of the Head of Finance and s151 Officer and will be carried out in accordance with procedures issued by them. The circumstances of any inability to comply with procedures issued by the Head of Finance and s151 Officer shall immediately be reported to them.

Formatted Table

Formatted: Font: Not Bold

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: 12 pt

Formatted Table

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Commented [AS2]: Note for Allison - this needs to be defined in the glossary to the constitution

Formatted: Space After: 6 pt

Formatted Table

16.2	The Head of Finance and s151 Officer shall be notified promptly of all money due to the Council and of contracts, leases, grants, external funding and other agreements and arrangements entered into that involve the receipt of money by the Council.
16.3	All money received by the Council will be banked promptly in the Council's name and in conformance with the Accounts and Audit Regulations.
16.4	Money held on behalf of the Council must not be used for anything other than its intended purpose. <del>No monies held shall be used to cash cheques except in accordance with arrangements approved by the Head of Finance and s151 Officer.</del>
16.5	All monies received by the Council shall be acknowledged in accordance with arrangements approved by the Head of Finance and s151 Officer.
16.6	All <del>receipts and other</del> means of acknowledging the receipt of monies received by the Council shall be securely stored and proper records kept of all such items in a form approved by the Head of Finance and s151 Officer.

16.7	Any instructions issued by the Head of Finance and s151 Officer relating to the security of monies held by the Council must be adhered to.
16.8	Any limits on sums held <del>in secure storage for insurance purposes</del> must be adhered to <u>for insurance purposes</u> .
16.9	Invoices must be raised for all sums due to the Council that are not paid at the time the debt is due or identified unless the Head of Finance and s151 Officer approves alternative arrangements to address specific circumstances.
16.10	All invoices for sums due to the Council must be raised <u>in a timely manner and delays in raising invoices must be reported to the Head of Finance and s151 Officer promptly</u> .
16.11	<del>Chief Officers must notify the Head of Finance and s151 Officer of all relevant information so that they can raise an invoice for sums due to the Council where for any reason this is not done by the Chief Officer.</del>
16.12	Chief Officers must ensure that income received or any invoice raised by them is correctly allocated to the appropriate code <u>and VAT category</u> .
<b>17.</b>	<b>Fees and Charges</b>
17.1	Chief Officers <del>are required</del> in liaison with the Head of Finance and s151 Officer <del>to shall</del> review annually the fees and charges levied for services under their control, unless such fees and charges are fixed by statute or by some other body. The results of such reviews and the recommendations flowing from them must be reported to the Executive for decision.
17.2	Any proposed <del>reductions variations</del> in fees and charges shall, following consultation with the Head of Finance and s151 Officer, be reported to the Executive for decision. Similar requirements apply where it is proposed to introduce new fees and charges.
<b>18.</b>	<b>Writing Off Debts</b>
18.1	<u>Where efforts to collect a debt have failed and it is considered uneconomical, impractical or in the opinion of the Head of Finance and s151 Officer there is a valid reason not to pursue the debt, these may be written off subject to the limits shown below.</u> <ul style="list-style-type: none"> <li>• <u>Up to £5,000 can be written off by the Head of Finance and s151 Officer.</u></li> <li>• <u>Amounts above £5,000 can be written off by the Cabinet Member for Finance Waste and Technical Services.</u></li> </ul> <p><u>All write offs shall be published through a relevant Officer or Cabinet Member Decision notice which will be reported to the Executive at least twice each financial year.</u></p>

Part 4 – Rules – Financial Procedure Rules

	<p><del>The Head of Finance and s151 Officer must report to the Executive on amounts owing of £5,000 or more where efforts to collect the sums have failed and any other action would be uneconomic or impractical or in the opinion of the Head of Finance and s151 Officer there is a valid reason for not pursuing the debt. The Executive has the authority to approve the write off of the debt.</del></p>
18.2	<p><u>If it is subsequently found that a written off debt is recoverable, the Head of Finance and Section 151 Officer will consider whether the debt should be reinstated and recovery action undertaken.</u></p> <p><del>The Head of Finance and s151 Officer, following consultation with the relevant Chief Officer where appropriate, may write off amounts of less than £5,000 if they think that further effort to collect it would be a waste of effort or resources or in their opinion there is a valid reason for not pursuing the debt. The Head of Finance and s151 Officer must report any such write-offs they have approved at least twice a year to the Executive.</del></p>

<b>19.</b>	<b>Insurances and Risk Management</b>
19.1	The Head of Finance and s151 Officer shall effect all insurance cover and negotiate all claims in consultation with other officers as necessary.
19.2	Chief Officers shall give prompt notification to the Head of Finance and s151 Officer of all new risks, properties, plant and vehicles that require to be insured and of any alterations affecting existing insurances.
19.3	Chief Officers shall immediately notify the Head of Finance and s151 Officer of any loss, liability or damage that may give rise to a claim.
19.4	Chief Officers shall ensure that their staff and any contractors employed on activities for which they are responsible have appropriate insurance cover in force and shall consult the Head of Finance and s151 Officer to determine the relevant requirements for the activities involved.
19.5	The Head of Finance and s151 Officer shall ensure compliance with statutory requirements relating to fidelity guarantee insurance.
19.6	The Head of Finance and s151 Officer shall at such periods as they consider necessary review all insurances held by the Council in consultation with other Chief Officers.
19.7	All Chief Officers shall consult the Head of Finance and s151 Officer in respect of any indemnity the Council is requested to give.
19.8	All individuals within the Council share responsibility for risk management. Any particular responsibilities of key groups and individuals will be set out in the Council's Risk Management Strategy documentation from time to time.
19.9	All Chief Officers are responsible for ensuring compliance in their areas of responsibility with any Risk Management Strategies the Council may from time to time approve.
<u>19.10</u>	<u>The Chairman of the Audit Committee shall act as Member Risk Champion.</u>
<u>19.11</u>	<u>The Head of Finance and s151 Officer shall act as Officer Risk Champion.</u>
<u>19.12</u>	<u>Each Service will provide a service Risk Champion to provide advice to services on Risk Management via the Officer Corporate Risk Management Group</u>
<u>19.13</u>	<u>Each Service will maintain a risk register for operational services and where appropriate shall consider high risks for the consideration of Management Team for inclusion onto the Council's Strategic Risk Register.</u>
<u>19.14</u>	<u>Each Chief Officer will review their relevant entries on the Strategic Risk Register for reporting to Members via the Audit Committee as required.</u>
<b>20.</b>	<b>Inventories</b>

Formatted Table

Formatted: Space After: 12 pt

Formatted: Space After: 12 pt

Formatted: Space After: 12 pt

Commented [AS3]: We need to define what we mean by this. I don't want Members to think we are creating a new group for them to sit on.

Formatted: Space After: 12 pt

Formatted: Table Paragraph, Left, Space After: 12 pt, Line spacing: Exactly 13.7 pt

Formatted Table

Formatted: Condensed by 0.1 pt

20.1	Each Chief Officer is responsible for the safe custody of stores and equipment placed under their control. Wherever reasonably practicable, items shall be marked as being the property of the Borough Council.
20.2	All Information Technology hardware shall be recorded in a central inventory maintained for the purpose by the <del>Information Technology Manager</del> <a href="#">Head of IT</a> .
20.3	All records of stocks held shall be in a form approved by the Head of Finance and s151 Officer. Chief Officers shall ensure that the level of stock held is reasonable having regard to the nature of the service being provided through their use.

20.4	Chief Officers are responsible for ensuring that stocktaking is undertaken at appropriate intervals throughout the year having regard to the value of stocks under their control.
20.5	Chief Officers shall secure the consent of the Head of Finance and s151 Officer to the method of disposal to be used in the case of surplus or obsolete items.
20.6	Chief Officers shall provide such certificates in the form that the Head of Finance and s151 Officer may require in respect of the value of any stocks held by them at the end of each financial year.
<b>21</b>	<b>Land Disposal</b>
21.1	No negotiations for the acquisition or disposal by any means of land or buildings in Council ownership shall be undertaken other than in accordance with the Officer Delegation Rules set out in Part 3 of the Constitution.
21.2	Subject to any exceptions within the Officer Delegation Rules, all disposals of land or buildings must be approved by the Executive.
<b>22</b>	<b>Orders for Works, Goods and Services</b>
22.1	Chief Officers are responsible for ensuring that orders are: <ul style="list-style-type: none"> <li>- Placed in accordance with the tendering procedures set out in the Contracts Procedure Rules in Part 4 of the Constitution;</li> <li>- Compliant with all relevant policies of the Council;</li> <li>- Compliant with procedures issued by the Head of Finance and s151 Officer;</li> <li>- Placed following the financial vetting of potential contractors for all arrangements valued in excess of £100,000.</li> </ul>
22.2	Orders shall be issued electronically or in hard copy format via the Council's purchase order system in a format approved by and in compliance with any procedures issued by the Head of Finance and s151 Officer.
22.3	Each Chief Officer will maintain a list of officers able to authorise orders electronically and the financial limit applying to them. A copy of this list must be supplied to the Head of Finance and s151 Officer and must be updated with any amendments from time to time.
22.4	All works, goods or services must be the subject of an official order except for: <ul style="list-style-type: none"> <li>- Supplies of utility services, e.g. gas, electricity, <a href="#">water and sewerage charges</a>, <a href="#">mobile and telephony services</a>;</li> </ul>

Part 4 – Rules – Financial Procedure Rules



	- Payments of a periodic nature such as rent, <del>or</del> rates, <u>levys or subscription services</u> ;
	- Items purchased via petty cash <u>or Corporate Credit Card</u> ;
	- Any works goods or services which have a written contract which complies with Contracts Procedure Rules 3.2, 3.3 or 3.4. <u>But variations or services where volumes can vary from month to month will require an order.</u>
	- <u>Payments for Temporary Agency Staff</u>
	- <u>Treasury Management Payments</u>
	- <u>Payments made under Rents in Advance Scheme</u>
	- <u>Bank and Merchant Acquirer Charges</u>
	-
	-
	-
22.5	The Head of Finance and s151 Officer may from time to time permit other items to be acquired without the issue of an official order.
22.6	Official orders may only be used in connection with the purchase of goods by the Council and must not be used in connection with personal transactions.
22.7	All purchases of Information Technology hardware and software shall only be made by the Information Technology Manager unless they agree an alternative arrangement in specific circumstances.
<b>23.</b>	<b>Issuing of Official Orders</b>
23.1	Orders must only be issued for works, goods and services where an approved budget exists for the intended purchase. Chief Officers shall ensure full compliance with these rules and any other procedures issued by the Head of Finance and s151 Officer.
23.2	Each Chief Officer shall ensure that effective procedures exist to check and certify all orders issued.
23.3	Each Chief Officer shall provide the Head of Finance and s151 Officer with a list of officers able to authorise orders and any financial limits that apply to them. A copy of all orders shall be maintained in a secure format within the corporate purchase ordering system.
23.4	Only documentation or electronic formats approved by the Head of Finance and s151 Officer may be used for official orders.
23.5	All orders are contracts made by the authority and must comply in all respects with the Contracts Procedure Rules

Formatted Table

Formatted: Space After: 6 pt

Formatted: Space After: 6 pt

Formatted: Space After: 6 pt

Formatted: Space After: 6 pt

Formatted: Space After: 6 pt

Formatted: Space After: 6 pt

Formatted: Space After: 6 pt

Formatted Table

Part 4 – Rules – Financial Procedure Rules

23.6	Urgent orders may be made by telephone, fax or electronically (provided that they are in accordance with the Contracts Procedure Rules) but an order number must be obtained and notified to the supplier. An order must still be completed and clearly marked as being for "CONFIRMATION".
23.7	In every case, Chief Officers must ensure compliance with any procedures issued by the Head of Finance and s151 Officer in relation to accounting for Value Added Tax, Construction Industry Tax and any other taxes that may be applicable.

<b>24.</b>	<b>Payment of Invoices</b>
24.1	Each Chief Officer shall ensure that within their Service effective procedures exist to check and certify all invoices received for payment.
24.2	Each Chief Officer shall provide the Head of Finance and s151 Officer with a list of officers authorised to certify <u>electronically</u> invoices and claims for payment and any financial limits attached.
24.3	Only documentation approved by the Head of Finance and s151 Officer may be used in connection with the processing of payments.
24.4	The following checks must be made prior to payment by Chief Officers or their authorised officers: <ul style="list-style-type: none"> <li>- The work, goods or services have been received or carried out and conform to what was ordered. If payment in advance is required, confirmation from the supplier of receipt of payment must be obtained.</li> <li>- The prices, calculations, trade discounts, other allowances, credits, Construction Industry tax and VAT are correct.</li> <li>- Any goods supplied have been entered on inventories, stores or other appropriate records.</li> <li>- Details of the intended payment shall be checked against the details of goods ordered and received, either on a copy of the order or to the entries held electronically within the purchase order and payment systems.</li> <li>- The Council has not previously paid the invoice and that it is the Council's responsibility to make payment.</li> </ul>
24.5	Chief Officers must ensure that the correct accounting code is used when making payment.
24.6	Chief Officers must ensure that undisputed invoices are processed without delay to obtain any prompt payment discounts and to meet the Council's targets for the prompt payment of invoices and to avoid statutory penalties arising from late payment.
24.7	Prior to payment, all invoices must be appropriately certified by the Chief Officer or a person authorised by them. This cannot be the same person as has conducted the checks required at 24.4 above.

24.8	Chief Officers shall, as soon as possible after 31 March each year, and no later than a date specified by the Head of Finance and s151 Officer, notify <u>officers appointed by</u> the Head of Finance and s151 Officer of any payments outstanding for works, goods or services supplied before the 31 March and comply with all other requirements of the Head of Finance and s151 Officer in connection with the production of the annual accounts of the Council.
<b>25.</b>	<b>Financial Management of Contracts</b>
25.1	Where there is a variation to a contract that results in a change to the cost to the Council then that change must comply with the requirements of the Contracts Procedure Rules (Rule 14).
25.2	Where there is a change to the contract resulting in a different cost to the Council the Chief Officer shall ensure that a priced Variation Order or priced Architects or Engineers Instruction has been issued prior to the work being carried out. For the avoidance of doubt, Variation Orders are <u>not only</u> required <u>for any change in contract value or service delivery where the cost to the Council has increased but also where it has decreased.</u>
25.3	The provision in 25.2 shall not have effect in the case of additional work necessary to maintain the continuity of the contract or in an emergency to protect the safety of an officer, workman, the public or the fabric of a structure. In these circumstances the Chief Officer shall ensure that a priced Variation Order or priced Architects Instruction is issued promptly after the work has been carried out.
25.4	Interim payments to contractors and consultants in the case of contracts exceeding £100,000 in value shall be made only where the contract provides for them and only on a certificate issued by the relevant Chief Officer or consultant (where one has been engaged). Payments must not be made to anyone other than the Contractor unless agreed with the Head of Finance and s151 Officer or unless the Council is directed to make a payment by a Court or a Receiver appointed by a Court.
25.5	Variations to a contract shall be authorised in writing on a sequentially numbered form by the appropriate Chief Officer or the nominated Architect or Engineer in the contract, or by a consultant where engaged.
25.6	Claims from a contractor not clearly within the terms of any existing contract shall be referred by Chief Officers to both:-
	(a) the Director of Central Services and Deputy Chief Executive for consideration of the Authority's legal liability; and
	(b) the Head of Finance and s151 Officer for financial consideration before a settlement is made.

25.7	Where a claim for liquidated damages arises the Chief Officer concerned will consult both the Director of Central Services & Deputy Chief Executive and the Head of Finance and s151 Officer in order to determine the appropriate action to be taken.
25.8	Chief Officers must provide a report to the Council or Executive, as appropriate, explaining the circumstances in any case where the value of the final account for a contract is greater than £100,000 and exceeds the accepted tender sum by an amount greater than 5% of the tender sum.
<b>26.</b>	<b>Partnership</b>
26.1	The Council defines a partnership as “an agreement between the Council and one or more independent bodies to work together to achieve one or more objectives.” Partnerships may help deliver strategies and improve the well-being of the area. They may spread risk, access resources and provide new and better ways of delivering services.
26.2	When entering into a partnership the Council will ensure such agreements are fully documented with terms and conditions covering: <ul style="list-style-type: none"> <li>- Provision and allocation of funding and resources</li> <li>- Appraisal and reporting systems</li> <li>- Risk management provisions</li> <li>- Audit and security controls</li> <li>- Accounting arrangements</li> <li>- Exit strategy</li> <li>- Vires</li> </ul>
<b>27.</b>	<b>Working for Third Parties</b>
27.1	Where work is carried out by the Council for third parties arrangements will be put in place to ensure such work is intra vires and that the risks involved are managed.
<b>28.</b>	<b>Payment of Salaries and Members’ Allowances</b>
28.1	The Director of Central Services is responsible for ensuring that all salaries and matters relating thereto are in accordance with the policies and decisions of the Council.
28.2	The Head of Finance and s151 Officer is responsible for the calculation and payment of salaries to the Council's employees and for the payment of approved allowances to Council Members.

28.3	<p>Chief Officers must provide the Director of Central Services with full details of:</p> <ul style="list-style-type: none"> <li>- any new employees of the Council;</li> <li>- anyone leaving the Council's employment;</li> <li>- anyone who is transferred to other Council Services;</li> <li>- anyone whose pay changes other than by salary awards or annual increments; and</li> <li>- any other information that may affect the amount of the payment they are entitled to receive.</li> </ul>
28.4	<p>Chief Officers must notify the Head of Finance and s151 Officer of anyone who is absent through sickness or reasons other than annual leave using the form approved by the Head of Finance and s151 Officer.</p>
28.5	<p>The Head of Finance and s151 Officer must approve the design of all-time records or other pay documents. Chief Officers must send the names and signatures of all the employees who are authorised to sign these records, together with any limits applied, to the Head of Finance and s151 Officer.</p>
28.6	<p>All staff classed as temporary or casual by their contract of employment must be required to complete a monthly timesheet, except in the case of illiteracy when the line manager must complete the timesheet and indicate that they have done so.</p>
28.7	<p>All payments of salaries and Members' allowances shall be paid direct to a bank or building society account using BACS or any similar method determined by the Head of Finance and s151 Officer unless they approve alternative arrangements in specific cases.</p>
<b>29.</b>	<b>Security</b>
29.1	<p>Chief Officers are responsible for maintaining proper security at all times for all buildings, property, cash and other assets under their control. Chief Officers shall consult the Head of Finance and s151 Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed. Chief Officers must ensure that their staff are aware of any requirements relating to the security of cash and equipment in transit or held at an employee's home.</p>
29.2	<p>Maximum limits for cash holdings shall be agreed with the Head of Finance and s151 Officer having regard to the level of security appropriate for staff and premises. The limit shall not be exceeded without their permission.</p>
29.3	<p>Chief Officers are responsible for maintaining the security and privacy of information held on computer systems under their control and are responsible for compliance with relevant legislation and the Council's adopted Information Security Policy.</p>

29.4	The Director of Central Services and Deputy Chief Executive is responsible for the safe custody of all legal documents relating to the activities of or interests of the Council.
<b>30.</b>	<b>Taxation</b>
30.1	The Head of Finance and s151 Officer is authorised to make any decision or determination with regard to any taxation issue that they consider necessary for the overall tax efficiency of the Council.
30.2	The Head of Finance and s151 Officer will account for and pay or recover all taxes on behalf of the Council.
<b>31.</b>	<b>Travelling and Subsistence Allowances</b>
31.1	All claims of employees for payment of car allowances, subsistence allowances, travelling and incidental expenses must be submitted, together with any supporting documentation and records required, in accordance with such procedures as may be issued by the Head of Finance and s151 Officer. Reimbursement will normally be made with the employee's next normal salary payment unless the Head of Finance and s151 Officer decides that an alternative method of payment is appropriate.
<b>32.</b>	<b>Treasury Management</b>
32.1	The Head of Finance and s151 Officer is responsible for undertaking all borrowing of monies and for all arrangements concerning the investments of the Council.
32.2	In exercising treasury management responsibilities, the Head of Finance and s151 Officer shall comply with the Council's Treasury Management Strategy Statement; Annual Investment Strategy; Treasury Policy Statement and the Chartered Institute of Public Finance and Accountancy Code of Practice on Treasury Management.
<b>33</b>	<b><u>Medium Term Financial Strategy and Saving and Transformation Strategy</u></b>
33.1	<u>The Head of Finance and s151 Officer, in conjunction with Management Team, shall produce a Medium Term Financial Strategy (MTFS) to assess the Councils long term financial planning needs. This will include the calculation of any funding gap between resources available and anticipated spend.</u>  <u>This MTFS shall be reported to the executive as needed to assess the long term financial issues for the council.</u>  <u>The Management Team in conjunction with the Executive will prepare a Savings and Transformation Strategy in order to address any funding gap identified.</u>

Formatted Table

Formatted: Font: Bold

This page is intentionally left blank

## **RESULTS OF CONSULTATION ON STREET TRADING POLICY RENEWAL**

### **Item LA26/4 referred from Licensing and Appeals Committee of 25 March 2026**

Further to Minute Number LA 25/19, as detailed in the Minutes of 26 November 2025, a consultation on renewing the Borough Council's existing Street Trading Policy was undertaken and one response received from a responsible authority was presented for consideration.

The response from Environmental Health (attached at Annex 2) highlighted concerns that the requirement for staff working without the consent holder's supervision to hold a basic Disclosure and Barring Service (DBS) check was overly burdensome given potential high staff turnover.

As the Street Trading Policy was yet to be implemented and the exact number of staff likely to be working without the direct supervision of the consent holder for any length of time and requiring a DBS certificate was currently unknown, it was not proposed to amend this section of the Policy. However, this would be revisited if an undue burden on consent holders was identified. Members also noted that neighbouring local authorities had the same requirement in respect of DBS checks and this was considered best practice.

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 Keers seconded and it was

**RECOMMENDED\***: That the Street Trading Policy (attached at Annex 1) be commended for adoption.

**\*Recommended to Council**

This page is intentionally left blank

## Licensing and Appeals Committee

25 March 2026

### Part 1 - Public

#### Matters for Recommendation to Council



www.tmbc.gov.uk

Cabinet Member	N/A
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing and Regulatory Services
Report Author	Crispin Kennard, Regulatory Services Manager

#### Results of Consultation on Street Trading Policy Renewal

##### 1 Summary and Purpose of Report

- 1.1 Following a meeting of the Licensing & Appeals committee on 26 November 2025, the licensing team within Regulatory Services have completed a consultation on renewing the Councils existing Street Trading policy.
- 1.2 One response to the consultation was received from a responsible authority for consideration.

##### 2 Corporate Strategy Priority Area

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

##### 3 Recommendations

- 3.1 Members are recommended to approve the policy at **Annex 1** for adoption by Council.

##### 4 Background

- 4.1 Following a lengthy consultation process the current Street Trading policy (2023-2026) was introduced in June 2023 designating the whole of the boroughs streets as 'Consent Streets'.
- 4.2 Owing to the staff resources required to implement and run the Street Trading consents, the licensing team have yet to implement this policy however the policy

requires renewal, and the recommendation is to renew the policy 2026 – 2029 without significant changes.

## **5 Consultation response**

- 5.1 The consultation ran from 29 January 2026 to 28 February 2026. It was available on the council's website, with letters being supplied to known street traders and emails being sent to responsible authorities to raise awareness of the consultation.
- 5.2 One response was received from Environmental Health as a responsible authority and is presented at **Annex 2**.
- 5.3 The reply highlighted concerns that the requirement for staff working without the consent holder's supervision to hold a basic Disclosure and Barring Service (DBS) check was overly burdensome given likely high staff turnover.
- 5.4 In response, as advised at 4.2 the Street Trading Policy has yet to be implemented and the exact number of staff likely to be working without the direct supervision of the consent holder for any length of time, thus requiring a DBS certificate is currently unknown. Therefore, it is not proposed to alter this section of the policy at present, but it can be revisited if, when implemented, it is identified to be causing an undue burden on consent holders.
- 5.5 On the suitability of location comment, each application will be considered on its own merits, however the Council retains the ability to refuse any location without the right to appeal.
- 5.6 Considering the above, the recommendation reflected at 3.1 does not propose any changes to the policy at this time.

## **6 Other Options**

- 6.1 It is an option that this policy could be amended to reflect the points raised during the consultation.

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

- 7.1 Street Trading fees already feature in the Licensing Fee chart and will come under annual review.

## **8 Risk Assessment**

- 8.1 The retention and suitable updating of a policy should provide a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being challenged in the Courts.

## 9 Legal Implications

- 9.1 There is no statutory requirement to have a licensing policy for Street Trading. However, it is considered best practice and also an effective policy document will ensure that the trade and public alike will have a document that fully explains the elements of the regulatory process. This will include the principles to be applied when considering applications, the application process itself and the grounds for objection/refusal.
- 9.2 Any criteria applicable to applications for Street Trading must meet the requirements of the Provision of Services Regulations 2009. It is considered that the policy complies with these regulations.

## 10 Consultation and Communications

- 10.1 A consultation on this policy was undertaken between 29 January 2026 and 28 February 2026.

## 11 Implementation

- 11.1 How best to implement the policy will be reviewed as part of the new arrangements now licensing sits within the Planning, Housing and Regulatory Services Directorate.

## 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
Annexes	Annex 1 – Draft Street Trading Policy Annex 2 – Consultation Response

This page is intentionally left blank



[www.tmbc.gov.uk](http://www.tmbc.gov.uk)

# Tonbridge & Malling Borough Council

## Street Trading Policy

June 2026 – June 2029

### Contact Information

Email: [street.trading@tmbc.gov.uk](mailto:street.trading@tmbc.gov.uk)

Tel: 01732 844522

<b>Content</b>	<b>Page Number</b>
Overview	3
Purpose of policy	4
What is Street Trading?	4
Exemptions	5-7
Locations and Permissions	7
Trading on Council owned Land	7
Trading in Multiple Locations	8
Markets & Events	8
Additional Legislation Requirements	8-9
Suitability of Applicants	9-10
The Application Process	10-11
Fees	11-12
Consultation	12
Advertising your application	13
Decision Making	13-14
Refusal of Applications	14
Consent Conditions	14-15
Changes to current licences (transfers/variations)	15-16
The Renewal Process	16
Enforcement Action	17
Fees	17
Annex A – Standard Consent Conditions	19-20
Annex B - Relevant Convictions when determining the suitability of an applicant for street trading consent	21-22

## 1. Overview

- 1.1. In 2009, Tonbridge and Malling Borough Council adopted provisions contained in the Local Government (Miscellaneous Provisions) Act 1982 relating to Street Trading and as a result trading in certain streets (or parts thereof) within the Borough was either allowed, with the written consent of the Council, or prohibited.
- 1.2. In 2022, the Council sought to re-designate the borough to increase the councils reach with regards to issuing Street Trading Consents and the original version of this policy was introduced in June 2023 running to June 2026.
- 1.3. This policy is designed to cover a wide range of applications so it can be as inclusive as possible whilst also outlining what is both in and out of scope under the re-designation.
- 1.4. The table below gives an overview of the types of application that will require a street trading consent and those that will likely not:

Activities In Scope	Activities out of scope
Food & Drink sellers trading on the Highway	Markets trading at market venues
Food & Drink sellers trading on Private Land	Farmers Markets
Food & Drink sellers trading on Council Owned Land	School Fetes and Fairs
Roadside fruit sellers	Church Fetes and Fairs
Roadside flower sellers	Christmas Light events
Christmas tree sellers (except those trading in garden centres/yards etc)	Music Events (Festivals)
Non-itinerant ice cream seller (stopping in one location for a period of time)	Pedlars, Roundsmen & News vendors
Selling goods outside a shop if the goods are not the same as those on offer inside the shop	Charities and organisations handing out leaflets
Charities and organisations selling goods <i>may</i> require consent	Sales of articles by householders on their <u>own land</u> (vehicles, plants, household goods)
Placing cars for sale on any <u>public road or land</u>	Charity collections – although these will require a street collection permit
<b>This is not an exhaustive list, and all applications will be reviewed individually and judged on their own merit.</b>	

## 2. Purpose of this policy

- 2.1. The purpose of this policy is to provide a framework for applicants looking to gain consent to trade within the borough. It will set out the decision-making criteria so applicants know what is expected of them and it will provide guidance to Council officers who are responsible for administering and enforcing the street trading regime.
- 2.2. This policy will help shape the street trading environment, ensuring it remains sensitive to the needs of the residents, provides the public with good quality choice and compliments those premises-based businesses already trading in the borough.
- 2.3. Public safety will be considered with each application as well as the prevention of crime, disorder, and nuisance.

## 3. What is Street Trading

- 3.1. Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 gives local authorities the power to allow or prohibit street trading within their administrative areas; across the whole of it or just in certain parts.
- 3.2. The Local Government (Miscellaneous Provisions) Act 1982 (from here on referred to as 'the Act') defines 'street trading' as being 'the selling or exposing or offering for sale of any article (including a living thing) in a street.'
- 3.3. It defines a 'street' as being:
  - a) Any road, footway, beach, or other area to which the public have access without payment; and
  - b) A service area as defined in Section 329 of the Highways Act 1989 ('An area of land adjoining, or in the vicinity of, a special road, being an area in which there are, or are to be, provided service stations or other buildings or facilities to be used in connection with the use of the special road')
- 3.4. When determining what constitutes a street, council officers will use the following as a test –
  - If members of the public have unrestricted access to the area to look at goods offered for sale without having to pay a fee, the area will be considered a street.
- 3.5. Anyone wishing to trade in a street within Tonbridge & Malling will be required to apply for consent.
- 3.6. The council does not hold a list of suitable street trading locations. Applicants should have regard to this policy and the requirements contain within to identify suitable locations.

## 4. Exemptions

- 4.1. The Act states that the following activities are not 'street trading' and therefore would not require consent:
- (a) trading by a person acting as a pedlar under the authority of a pedlars certificate granted under the Pedlars Act 1871;
  - (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order;
  - (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
  - (d) trading as a newsvendor i.e. the sale, exposure or offer for sale of newspapers or periodicals, except from a stall or receptacle that exceeds the dimensions set out in schedule 4 of the Act;
  - (e) trading which:
    - i) is carried on at premises used as a petrol filling station; or
    - ii) is carried on at premises used as a shop or in a street adjoining premises so used as part of the business of the shop (such business must not obstruct the highway or payment area);
  - (f) selling things, or offering or exposing them for sale, as a roundsman;
  - (g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway;
  - (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
  - (i) the doing of anything authorised by regulations made under section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 i.e. the collection of money or selling of articles for the benefit of a charity or other similar cause.

### Pedlars

- 4.2. A pedlar is defined in law as being 'any hawker, pedlar, petty chapman, tinker, caster of metals or other person who, without any horse or other beast bearing or drawing burden, travels and trades on foot and goes from town to town or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered. So in practice, a pedlar is someone who sells items on the move and sells items as he/she travels.
- 4.3. Established case law has set out other criteria which helps to further differentiate pedlars from street traders. These are that:

- a pedlar cannot travel to a location to trade, they must trade when they travel.
- a pedlar must only travel and trade on foot.
  
- a pedlar must not unnecessarily linger if they put their goods down or stop for a reason other than to sell their goods.
  - if a pedlar uses a trolley or cart to help transport their goods, it must be small and easily moved.
  - a pedlar must only sell goods when approached by members of the public.
  
- 4.4. A person who does not meet all of the above criteria must be treated as a street trader (and will require consent to trade in the Council area).
  
- 4.5. A person who intends to trade as a pedlar requires a pedlar certificate. Further information on how to apply for a pedlar certificate can be found here: <https://www.gov.uk/pedlars-certificate>

#### **Roundsman**

- 4.6. Although the Act does not define what a roundsman is, there is legal precedent in case law, specifically the case of *Kempin t/a British Bulldog Ice Cream V Brighton and Hove Council*, where Lord Justice Latham ruled that a roundsman was someone who delivered pre-ordered goods within a locality.

#### **Local Exemptions**

- 4.7. Tonbridge & Malling also exclude the following from needing to apply for Consent –
  - Itinerant traders: someone who trades from a vehicle which goes from place to place, remaining in any one location in the course of trading for periods of 15 minutes or less and does not return to the same location or within 200m, on the same day. Common examples are ice cream vans and sandwich vendors. Whilst itinerant traders are exempt from street trading, they must still get permission from the Council if they intend to trade on Council owned land, such as parks and open spaces. See below for further details.
  
  - Non commercial events: events that are community-based and run for non-commercial purposes, such as a fete or school fundraising activity. Where any of the profit of the trading is retained by the trader for private gain, and not passed to the organisers of the event for use in, or by, the community concerned then the activity is not exempt from needing a consent.
  
  - Working farms: goods from working farms sold at the premises where they were produced.

- Residential properties: unwanted household items or produce, such as homegrown fruit and vegetables, eggs, preserves e.g. jam etc.
- Travelling fairs and circuses: traders as part of an established travelling fair or circus.
- Used vehicles: where a vehicle is legally parked and advertised for sale on a person's own land.

## 5. Locations and Permissions

- 5.1. When deciding where to trade, you must consider which permissions you may need.
- 5.2. Any person wishing to trade on Council owned land must get permission to do so before applying for a street trading consent.
- 5.3. Any person wishing to trade on privately owned land should get permission before applying for a street trading consent. The permission must be submitted as part of your application, it should be in writing and contain the contact details for the landowner in case the Council wishes to confirm the permission is legitimate.

## 6. Trading on Council owned land

- 6.1. Any person wishing to trade on Council owned land must get permission to do so before applying for a street trading consent. This is the case with Council owned parks and open spaces. A copy of the council's public open spaces policy can be found [here](#).
- 6.2. Any form of trading on Council owned land, including itinerant traders and others which might be exempt, all require permission.
- 6.3. Even those forms of trading which have been deemed exempt from a street trading consent will still need permission from the Council if they wish to trade on Council owned land. Please contact [property.services@tmbc.gov.uk](mailto:property.services@tmbc.gov.uk) for further information or to ask about trading in a specific area owned by the Council.
- 6.4. Additional pitch fees may be required to gain permission for trading on council owned land. These fees are in addition to the consent application fees.
- 6.5. Once permission has been granted, you should include the details of the permission as part of your application. We would expect to see the confirmation in writing/email from a member of Tonbridge & Malling council staff. Officers will not contact other departments on your behalf and all permissions should be in place before you submit your street trading application.

## 7. Trading in Multiple Locations

- 7.1. Applicants may wish to apply for multiple locations on one consent.
- 7.2. These locations must be defined on the application form and the days and times of trading in each location must be specified.
- 7.3. When determining the application, the Council will need full details for each location including a map/plan of the area, the appropriate permissions to trade (if necessary) and any other information that is important for each location.
- 7.4. The Council can choose to refuse some locations or days and times for specific locations if it is deemed necessary. For example, if a trader applied for a late-night licence in a residential area, this may cause a nuisance to residents.

## 8. Markets & Events

- 8.1. The following annual events within the Borough are exempt from requiring a Street Trading consent:
  - Tonbridge Christmas Lights
  - West Malling Christmas Lights
  - Borough Green Christmas Lights
  - Tonbridge Farmers Market
  - West Malling Farmers Market
- 8.2. This is not an exhaustive lists and event organisers can apply to have their events exempted from the requirements of a Street Trading consent. Requests should be made in writing to [street.trading@tmbc.gov.uk](mailto:street.trading@tmbc.gov.uk) All requests will be assessed on their own merit.

## 9. Additional Legislation Requirements

### Licensing Act 2003

- 9.1. The supply of alcohol and the provision of late-night refreshment (hot food and hot drink supplied to members of the public between the hours of 23:00 and 05:00) are 'licensable activities' under the terms of the Licensing Act 2003.
- 9.2. Where a person's street trading involves selling alcohol or provision of late night refreshment, they will need a premises licence or temporary event notice (TEN) issued in accordance with the Licensing Act 2003, as well as a street trading consent. More information on both can be found on the Council website.
- 9.3. The Council may decide to refuse to grant a street trading consent or revoke one which has been granted, where the applicant or consent holder cannot demonstrate that a premises licence or TEN is in place or has been applied for.

## **Food business registration**

- 9.4. Where a person's street trading involves selling food and/or drink, they must register as a food business with the Council where their business is based or where their vehicle/stall is stored overnight, as well as holding a street trading consent.
- 9.5. All businesses selling food and/or drinks are advised to display their current food hygiene rating.
- 9.6. The Council expects traders to maintain good standards of hygiene. Traders who sell food and or/drink will, as a condition of their consent, be required to achieve and maintain a minimum food hygiene rating of 3 or above. The Council may decide to refuse to grant a street trading consent or revoke one which has been granted, where the applicant or consent holder has a rating of less than 3. A business may be able to continue trading whilst they work to improve their standards but only in exceptional circumstances. This would be at Licensing Officers discretion in consultation with the Councils Environmental Health team.

## **Planning**

- 9.7. In some cases, planning permission may be required in addition to a street trading consent.
- 9.8. A person intending to apply for a street trading consent should always check to see if they need planning permission before making their application.
- 9.9. The Council may revoke a consent in the event of the holder being in breach of planning legislation.

## **10. Suitability of applicants**

- 10.1. A person can only be granted consent if they are aged 17 years or older.
- 10.2. When determining an application for the grant or renewal of a street trading consent the council will consider all relevant information relating to the suitability of the applicant to hold such a consent including:
  - Whether the applicant has any unspent convictions under the Rehabilitation of Offenders Act 1974.
  - Refusal or neglect in paying fees due to the council in relation to a street trading consent.
- 10.3. Where the criminal conviction certificate provided by the applicant shows current offences (i.e. those that are unspent under the Rehabilitation of Offenders Act 1974, the Council will consider the following:
  - whether the conviction is relevant;
  - the seriousness of the offence;
  - the length of time since the offence occurred;
  - whether there is a pattern of offending behaviour;
  - whether that person's circumstances have changed since the offence occurred;

- the circumstances surrounding the offence and the explanation offered by that person.

## 11. The Application Process

- 11.1. The council will only accept and validate applications in the prescribed format.
- 11.2. The application form can be found on the **council's website**.
- 11.3. The application form should be fully completed and emailed to [street.trading@tmbc.gov.uk](mailto:street.trading@tmbc.gov.uk)
- 11.4. Part of the application form requires you to accurately describe the articles you wish to sell. These articles will become a condition of your consent should it be granted. If you change the articles you sell, this could breach the consent and result in the consent being revoked.
- 11.5. If you wish to change the articles at a later date, you are able to submit a variation to the consent, however you will not be guaranteed these articles will be approved if they are unsuitable.

### Assistants and Employees

- 11.6. As part of the application, you will be required to supply the details of all assistants and employees who work at any consent location(s) when the consent holder is not present. The application form can be found on the **councils website**.
- 11.7. Any assistant working alone at a consent location must be a minimum of 17 years old and have a sound understanding of the conditions outlined on the consent document.
- 11.8. You will need to complete their details on the Assistants and Employees application form and supply the following:
  - A Basic DBS check (no more than one month old). This check must be renewed every 3 years.
  - A photograph of the assistant/employee.
- 11.9. Further assistants can be added throughout the consent by submitting the Assistants and Employee application and supporting documentation.

### Supporting Documentation

- 11.10. For your application to be validated, you must email the supporting documentation to [street.trading@tmbc.gov.uk](mailto:street.trading@tmbc.gov.uk) You can either send it on the same email as the application form or on a separate email.
- 11.11. The following supporting documentation is required –

- A map and/or plan of the location with the trading position clearly marked (further detail below), preferably to scale. If you are applying to trade as Mobile in more than one location, please use markers (for example, location 1, 2 or 3).
  - The applicant should mark on the plan/map the exact position of the van, stall etc. they intend to use in the location, with measurements. If the van, stall etc. includes an awning, canopy or hatch that will extend out, this must be indicated on the plan. The applicant should also indicate the orientation of the stall, so that it is clear where customers will stand to be served.
  - Officers will need to identify any neighbouring properties who may be affected, so it may be necessary for the applicant to submit a series of plans and/or maps of varying sizes and scales. Road names should also be included, where appropriate.
  - As well as showing the positioning of the van, stall etc. the applicant must include on the plan, any furniture, containers e.g. bins or signage that they intend to use.
  - If the plan(s) accompanying the application do not indicate the proposed pitch accurately enough, the application will be rejected.
- Photographs which clearly show the vehicle, stall etc. to be used, including its actual design/artwork. Or in the case of a unit which is under construction, a detailed illustration.
- Planning permission (if necessary) or proof of permission given by any Landowner if trading off the Highway
- Proof of public liability insurance (minimum £5million).
- A copy of the current food registration or proof that a food registration has been applied for (if you intend to sell food and/or drinks)
- A Basic DBS certificate, no more than 1 month old. This check must be renewed every 3 years.
- A photograph of the applicant holder.

## 12. Fees

- 12.1. The fee for your application will be determined by:
- The length of consent applied for (single day, a week, a month, or a year)
  - The location(s) you wish to trade
  - The size of the pitch required

A full list of fees can be found on the council's website.

- 12.2. Fee's will be paid in two parts.
- Part A is the application fee and must be paid to validate and process the application
  - Part B is paid once the application has been granted following a successful consultation period. The part B fee must be paid in order for the consent document to be issued. Failure to make the part B fee will result in the consent being revoked.

- 12.3. The fee can be paid (to be confirmed).
- 12.4. Incomplete applications will not be processed or validated, and the applicant will be informed by email. If you are unable meet all the requirements, your application will be rejected, and your fee will be refunded minus an admin fee as outlined in our fee chart.
- 12.5. Applications that remain outstanding with no contact will automatically be withdrawn after a period of six months.
- 12.6. There are no refunds for withdrawn applications.

### **13. Consultation**

- 13.1. The consultation period for the application is determined by the type of application. For a one-year consent, the consultation period is 28 days. For a one month, week or day consent, the consultation period is 14 days.
- 13.2. The relevant consultation period will start the day after the council receives a valid application.
- 13.3. Once the council has validated the application, it will consult with the following –
  - Kent County Council Highways;
  - Environmental Health;
  - Economic Development;
  - Property Services
  - Planning;
  - Kent Police;
  - Kent Fire and Rescue;
  - Trading Standards;
  - The Parish Council for the location of the proposed consent;
  - Town Council (where appropriate);
  - The Ward Member for the location of the proposed consent;
  - The Kent County Council Member for the location of the proposed consent
- 13.4. As well as the consultees listed above, any interested party may request to see a copy of the application (redacted where necessary).
- 13.5. Consultees will receive details of the application, including maps and plans via email.
- 13.6. Consultees and interested parties may submit comments or objections against, or in favour of the application during the consultation period. These comments or objections should be relevant to the criteria outlined in section 12. The Council will consider responses from the consultees and any other interested party when determining the application.

## 14. Advertising your application

- 14.1. The applicant must display a notice prominently at the proposed trading location(s) for the entire consultation period to publicise the application.
- 14.2. The notice must be printed on A4 white paper and state the following:
  - The applicant's name.
  - The proposed days and hours of trading.
  - A description of the articles it is proposed to sell.
  - That representations against the application must be submitted to the Council by email to [street.trading@tmbc.gov.uk](mailto:street.trading@tmbc.gov.uk)
  - The date by which representations must be made (the end of the consultation period).
- 14.3. A template for this public notice can be found online.
- 14.4. Applicants must ensure the notice is adequately fixed or erected and are encouraged to laminate it, so that it can withstand wet and windy weather. A check of the notice will be carried out by an officer during the consultation period.
- 14.5. If the application is not advertised properly, the consultation period may be extended.

## 15. Decision making criteria

- 15.1. Applications for a street trading consent will be determined by the relevant Licensing Officer, under delegated powers, using the criteria listed below. Each case will be assessed on its own merits and individual circumstances, where appropriate, may be taken into consideration. When determining the application, we will look at the following criteria:
  - **Suitability of location**

The location of the proposed trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term 'public' refers to both customers and other members of the public using the street. The pitch should also not conflict with any Traffic Orders, such as waiting restrictions. The applicant must also ensure they have adequate access to toilet facilities. As well as the suitability of the location, the council will also assess the likely, unreasonable burden on other agencies. The street trading activity should not present a risk to good public order.
  - **Suitability of applicant**

As detailed in section 10, the suitability of applicants will be assessed before a licence is granted.
  - **Suitability of goods on offer**

The existence of shops and businesses operating in the immediate area will be considered, if appropriate, to avoid, amongst other things, unfair economic advantage.

- **Does the application satisfy a need in the area?**  
In areas where there are no other traders, does this proposed application satisfy a need? For example, on an industrial estate where there are no other food outlets, a trader offering both hot and cold food and beverages could be suitable.
- **Does the application support local community needs?**  
In some locations, traders wishing to sell fresh, local produce could be a great support for the community. However, if there are already a number of established businesses, selling similar items, granting consent to a street trader could have a negative impact on the community.
- **Could the application if granted, present a significant risk of nuisance to residents and businesses in the area?**  
The council will seek to ensure there is no nuisance caused by noise, fumes, smells, or light pollution.
- **Does the appearance of any vehicle or stall compliment the visual amenity of the location?**  
Photographs of any vehicle or stall must be included with the application so the council can ensure its appearance is suitable for the location.
- **Is the business environmentally sustainable?**  
As the council moves towards carbon neutrality, consideration will be given to the environmental sustainability of the business. The use of local produce and products will be encouraged.

## 16. Refusal of an application

- 16.1. When the Council refuses an application for consent, the applicant will be notified in writing (normally email) and given the reasons for the refusal.
- 16.2. There is no right of appeal against a decision to refuse to grant or renew a street trading consent.
- 16.3. The Act entitles the applicant to a partial refund for the application fee in the event it is refused. The Council will take two payments for applications. A part A fee to validate and process the application and a part B fee to grant the application (see section 12 of this policy for further details). For any application which is refused, the applicant will not need to pay the part B fee.

## 17. Consent Conditions

- 17.1. Where a consent is granted, the applicant will be issued with a consent document which will contain:
  - Their name, being the holder of the consent and person legally responsible.

- The address and/or description of the location where they are permitted to trade.
  - A individual consent number.
  - A photograph of the van, vehicle, stall etc they can use, if applicable.
  - The names of all consent holders, assistants and employees authorised to work at the consent location(s).
  - The dates the consent starts and ends (expires).
- 17.2. Consents will be issued for the length that has been applied for unless it is deemed appropriate to grant it for a shorter term, having considered the individual merits of the application.
- 17.3. All consents are subject to certain, standard conditions as outlined in **ANNEX A**. Each consent will have conditions that specify:
- The location(s) that the holder can trade from.
  - The permitted trading days and times.
  - The items that can be sold.
- 17.4. The Council may decide to add additional conditions when granting a consent, where it is deemed appropriate having considered the individual merits of the application.
- 17.5. Failing to comply with any conditions can lead to revocation of the consent.

## **18. Transferring a street trading consent**

- 18.1. There is no provision for transferring a street trading consent in the Act.
- 18.2. If the holder of a consent wishes to sell or give up their business, the new owner must apply for a new consent. The former owner should surrender their consent when they wish to cease trading.
- 18.3. If a new consent is to be applied for, the former owner should notify the council of their intent to cease trading so that a new application can be considered and if granted, can take effect once the former consent is surrendered. The council will not allow the two owners to trade at the same time, in the same location.
- 18.4. Any application will be subject to the same process as a new application and the full 28 day consultation period.

## **19. Varying a consent**

- 19.1. The Act gives the council the power to vary the conditions attached to a consent at any time.
- 19.2. Should the holder of a consent wish to change any of the conditions on their consent, they can, at any time, submit a written request to vary the consent. This would be required where the consent holder wishes to:
  - Change the operating days and/or times.
  - Trade from a different stall, vehicle etc.
  - Start selling something new i.e. articles not currently listed on the consent.
- 19.3. A fee will apply to the variation.
- 19.4. The Council will determine a request to vary a condition or conditions in the same way it would consider a new application, by carrying out a 28-day consultation and making a decision based on the criteria listed in this policy.
- 19.5. The consultation period may be reduced from 28 days to 14 days if the variation is minor. Requests to change conditions which restrict the items that can be sold or the stall, vehicle etc. will generally be considered to be a minor variation.
- 19.6. Changes to trading locations or the addition of additional trading locations will require a new application.

## **20. Renewing a consent**

- 20.1. The holders of one year street trading consents will receive a renewal notification (via email) approximately two months before the consent is due to expire.
- 20.2. Holders of shorter consents (one month, week or day) will not receive renewal notifications and should submit new applications as and when required.
- 20.3. Consent holders are able to apply to renew their consent with exactly the same terms as before i.e. for another year and with the same conditions attached.
- 20.4. If consent holders wish to vary the conditions at the same time as renewing the consent, they will be required to complete the 28 day consultation period and should therefore submit the renewal application and updated supporting documentation in advance to prevent one consent lapsing before the renewed (amended) consent is granted.
- 20.5. Renewal applications should be submitted no less than four weeks before the expiry date of the consent to ensure a new consent is issued in good time.
- 20.6. If a renewal application is not submitted before or on the expiry date of the consent, the consent will lapse, and a new application would then be required.

## 21. Surrendering a consent

- 21.1. The holder of a consent may, at any time, surrender it if it is no longer required. The original consent document must be returned to the council and the holder of the consent should formally surrender the consent in writing (or by email).

## 22. Enforcement, non-compliance and revocation of consents

- 22.1. The Council has a duty to carry out enforcement where it becomes aware of or receives allegations which concern unauthorised trading (trading in a street without first obtaining a consent) or non-compliance with street trading consents that have been granted.
- 22.2. Consent holders who are found to be non-compliant with related regulations, such as food and hygiene, trading standards or the Licensing Act, may have their consent revoked.
- 22.3. All enforcement and compliance activity will be carried out in accordance with the councils enforcement policy which can be found [here](#).
- 22.4. Under paragraph 10 of schedule 10 of the Act, a person commits an offence if they:
- Trade in a street without first obtaining a street trading consent.
  - Have a street trading consent and breach a condition of it, or trade from a stall, vehicle etc. that they have not been given permission to trade from.
- 22.5. A person who is found guilty and convicted of this offence can receive a fine of up to £1,000.
- 22.6. Other than prosecution, the Council may decide it appropriate to take one of the following actions:
- Verbal warning.
  - Written warning.
  - Vary the conditions attached to a consent to, for instance, change the operating days or hours.
  - Revoke a consent.
- 22.7. The Act gives the Council the power to revoke or vary the conditions attached to a consent at any time, to which there is no right of appeal.
- 22.8. Council Officers who are authorised to carry out enforcement and compliance activities carry photographic ID, Council issued identity cards and authorisations which they will produce, if requested.

## **23. Fee setting**

- 23.1. The Act allows the council to set its own fees, with the aim being to cover all costs incurred by the council.
- 23.2. Street Trading consent fees are reviewed on an annual basis and any changes come into effect on 1<sup>st</sup> April.

DRAFT

## Annex A

### Standard consent conditions

#### General

1. Trading must only take place between hours specified on the consent.
2. The consent holder must only trade at the location(s) identified on the consent.
3. The consent holder must ensure they have written permission from the respective landowner to occupy the area.
4. The consent holder must only trade from the van / vehicle / stall / barrow / cart specified on the consent.
5. The consent holder must only sell the articles (items) specified on the consent.
6. Counterfeit articles must not be sold.
7. The consent must be displayed prominently at the trading location(s), during the course of trading, so that it is clearly visible to the public.
8. The consent holder and any assistants employed by them, must treat the public (including other street traders) fairly and with courtesy at all times.
9. The consent holder and any assistants employed by them, must not obstruct any officer of the council and should comply with any reasonable requests.
10. The consent holder must ensure that their business/activity is conducted in a way that does not:
  - a) Cause a nuisance to residents and businesses nearby.
  - b) Cause an obstruction to the vehicles or pedestrians in the street or adjacent streets.
  - c) Endanger the public, themselves or any assistant they employ.
  - d) Obstruct the emergency services.
11. The consent holder must ensure that the trading area and immediate vicinity remains clean and tidy. This includes providing sufficient suitable containers e.g. bins, for refuse and waste that the trading activity generates. Such refuse containers must be kept as clean as is reasonably possible and be emptied on a regular basis to prevent accumulations of refuse and/or attracting pests.

12. The consent holder must ensure that the refuse and waste containers they provide are removed at the end of the consent period (daily) and are not emptied into public bins. All waste should be disposed of responsibly.
13. The consent holder must ensure that they and any assistants employed by them have adequate access to proper toilet facilities.
14. All 'A' boards, waste containers, furniture and signs to be displayed must have prior permission
15. The consent holder must not cause or allow to be caused, any damage to the street surface, street furniture, lighting and landscaping within the permitted area and will be responsible for the making good of any such damage.
16. Consent holders must pay for all services and utilities used during the course of the consent at any location. This includes but is not limited to electricity, water, and gas.
17. Fire hydrants, manholes and other street furniture must not be obstructed.
18. The consent holder must, at all times, have in place public liability insurance cover with a minimum liability of £5million.
19. All electrical cables must be safely covered if they run along the ground, or suspended properly with support, to minimise the risk of harm to the public.

## Annex B

### Relevant Convictions when determining the suitability of an applicant for street trading consent

#### 1. Dishonesty

A street trading consent will not be granted unless 4 years have lapsed since a conviction for an offence that involves dishonesty, for example theft or fraud, or completion of any sentence imposed whichever is the later.

#### 2. Violence

If an applicant has been convicted for an offence for violence which involves loss of life, a street trading consent will not be granted.

In other cases a street trading consent will not be granted unless 10 years have lapsed since a conviction for an offence relating to violence or completion of any sentence imposed whichever is the later.

#### 3. Drugs

A street trading consent will not be granted unless 10 years have lapsed since a conviction relating to the supply or importation of drugs or completion of any sentence imposed whichever is the later.

A Street trading consent will not be granted unless 5 years have lapsed since a conviction for an offence relating to the possession of drugs or completion of any sentence imposed whichever is the later.

#### 4. Sexual and Indecency Offences

A street trading consent will not be granted where there are convictions for rape, indecent assault, any sexual offence involving children, any conviction for an offence under the Sexual Offences Act 2003, or for indecent exposure.

#### 5. Exploitation

A street trading consent will not be granted if there are convictions relation to exploitation of another individual. This will include slavery, child sexual exploitation and grooming.

#### 6. Motoring Convictions

In most cases, motoring offences are unlikely to be relevant when considering a street trading consent application. However, there may be instances where the offences are of a very serious nature or may be relevant to the type of street trading activity. In those cases a street trading consent will not be granted unless 5 years have lapsed since any such convictions or completion of any sentence imposed whichever is the later.

## **7. Street Trading Legislation**

The Council takes a serious view on applicants who have been convicted of street trading offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. In particular, a street trading consent will not be granted unless 2 years have lapsed since any offence under the 1982 Act or if there is more than one conviction unless 5 years have lapsed.

## **8. Formal Cautions and Fixed Penalty Notices**

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

## **9. Existing Consent Holders Convicted of An Offence**

The Council may consider revoking the consent if the consent holder is convicted of an offence and in particular there will be concern if the offence fall into one of the categories detailed above.

DRAFT

## Annex 2

### Feedback Form - Draft 'Street Trading Policy 2026-29'

Respondent	Comment	Ref	Officers comments and recommendation to Licensing and Appeals Committee
EH	11.8 and 11.9 are overburdensome for businesses. Regular staffing changes are common in the hospitality sector and so to have to update consents and DBS for staff members other than the consent holder, seems unnecessary. 15.1-Suitability of location- Could consideration be given to not allowing food vendors within walking distance of schools as per National Planning Policy Framework?	1	<p>The Street Trading Policy is yet to be implemented and the exact level of staff turnover or how many staff work without the direct supervision of the likely consent holder is unknown.</p> <p>In addition, the Council retains the ability to refuse any application without grounds for appeal which could be implemented in the scenario of an application received for a site near a school.</p> <p>On this basis it is not proposed to make any changes to the policy at this time.</p>

This page is intentionally left blank

## **SOUTH WEST KENT WASTE SERVICES CONTRACT RETENDER**

### **Item 26/44 referred from Cabinet of 7 April 2026**

An update was provided on the Borough Council's procurement process for the South West Kent Waste Services Contract. The current contract for refuse, recycling and street cleansing was due to expire at the end of March 2027 and was being retendered on a partnership basis with Tunbridge Wells Borough Council.

The joint report of the Director of Street Scene, Leisure and Technical Services and the Head of Finance provided details of the tender process and an assessment of the tenders received. As previously approved by Members, the tender was for a new contract of 12 years with an option to extend by up to two years subject to mutual agreement of all parties.

The outcome of the evaluation process, including the quality and price scores of the submissions and the overall tender scores, was attached in a restricted Annex 2 due to the inclusion of exempt information relating to the financial or business affairs of any particular person, including the authority holding that information.

In light of the partnership with Tunbridge Wells Borough Council in the procurement for the future delivery of the waste services across both boroughs, due regard had been given to aligning the decision-making processes as closely as possible by both local authorities, seeking to ensure synchronised Council approvals to enable final appointment of the successful contractor.

Additionally, Members were advised that a further report would be presented for consideration of the potential options for financing of vehicles under the new contract and for other discretionary works, such as the cleansing of high speed roads.

Taking into consideration the final tender scores detailed in the restricted Annex 2, Cllr Boughton proposed, Cllr Keers seconded and Cabinet

### **RECOMMENDED\*:** That

- (1) contractor A, identified in the restricted Annex 2 to the report, 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 next meeting of the Communities and Environment Scrutiny Select Committee for consideration.

### **\*Recommended to Council**

This page is intentionally left blank

## **SOUTH WEST KENT WASTE SERVICES CONTRACT RETENDER**

### **Item CE 26/4 referred from Communities and Environment Scrutiny Select Committee of 4 March 2026**

A comprehensive update was provided on the Borough Council's procurement process for the South West Kent Waste Services Contract. Members were reminded that the current contract for refuse, recycling and street cleansing was due to expire at the end of March 2027 and was being retendered on a partnership basis with Tunbridge Wells Borough Council.

The joint report of the Director of Street Scene, Leisure and Technical Services and the Head of Finance provided details of the tender process and an assessment of the tenders received. As previously approved by Members, the tender was for a new contract of 12 years with an option to extend by up to two years subject to mutual agreement of all parties.

The outcome of the evaluation process, including the quality and price scores of the submissions and the overall tender scores, was attached in a restricted Annex 2 due to the inclusion of exempt information relating to the financial or business affairs of any particular person, including the authority holding that information.

In light of the partnership with Tunbridge Wells Borough Council in the procurement for the future delivery of the waste services across both boroughs, due regard had been given to aligning the decision-making processes as closely as possible by both local authorities, seeking to ensure synchronised Council approvals to enable final appointment of the successful contractor.

Additionally, Members were advised that a further report would be presented for consideration of the potential options for financing of vehicles under the new contract and for other discretionary works, such as the cleansing of high speed roads.

Taking into consideration the final tender scores detailed in the restricted Annex 2, Cllr S Hudson (Chair) proposed, Cllr M Rhodes seconded and it was

#### **RECOMMENDED\*:** That

- (1) Contractor A, identified in the restricted Annex 2 to the report, 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 next meeting of the Communities and Environment Scrutiny Select Committee for consideration.

**\*Recommended to Cabinet**

This page is intentionally left blank

**04 March 2026**

**Part 1 - Public**

**Matters for Cabinet – Council Decision**



[www.tmbc.gov.uk](http://www.tmbc.gov.uk)

Cabinet Member	Cllr Martin Coffin, Cabinet Member for Finance, Waste and Technical Services
Responsible Officer	Director of Street Scene, Leisure and Technical Services and Head of Finance (Section 151 Officer)
Report Author	Darren Lanes, Head of Street Scene and Leisure David Campbell-Lenaghan, South West Kent Waste Partnership Manager

## **South West Kent Waste Services Contract Retender**

### **1 Summary and Purpose of Report**

- 1.1 The current South West Kent Waste Services Contract for refuse, recycling and street cleansing is due to expire at the end of March 2027 and is being retendered on a partnership basis with Tunbridge Wells Borough Council (TWBC). This report outlines the tender process, the evaluation of the tenders received, and makes a recommendation to Cabinet on award of contract, as well as a recommendation to report further to the next meeting of this Committee in May.

### **2 Corporate Strategy Priority Area**

- 2.1 'Efficient & Effective Council' and 'Caring for the Environment'
- 2.2 The Contract is the largest contract commissioned by this Council providing a household waste and recycling collection service to approximately 57,000 homes in the borough. The Contract also includes street cleansing services. The service is high profile, serving all our residents and is currently delivered in partnership with TWBC.
- 2.3 Successful tendering of the Contract Services, smooth mobilisation of the Contract and providing efficient & effective services will assist in delivering Activity 1.2 of the current Annual Service Delivery Plan - "*Finalise a new waste contract that supports our residents to drive up recycling rates through an effective and efficient service*".
- 2.4 The Contract will need to be delivered in accordance with current legislation and guidance, and consider pending legislation including Simpler Recycling, Extended

Producer Responsibility (EPR) and the Deposit Return Scheme (DRS). Consideration will also need to be given to increasing recycling performance and maximising income, including EPR payments, through the delivery of effective and efficient services.

### 3 Recommendations

3.1 Following consideration by Members, it is recommended that the Committee recommend to Cabinet – for onward recommendation to Council - that:

- 1) Contractor A, as identified in **Annex 2 (Part 2 Private publication)**, be awarded the South West Kent Waste Services Contract as detailed within the report; and
- 2) a further report be brought to the next meeting of the Committee on 20 May, making recommendations 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.

### 4 Introduction and Background

4.1 Further to previous reports to this Committee and Cabinet, Members will be aware that the Council's Waste Services Contract is due to expire at the end of March 2027, and that Officers are currently working in partnership with Tunbridge Wells Borough Council (TWBC) on the tendering process for the future delivery of these services across both Boroughs.

4.2 The net cost of this Council's existing contract for refuse, recycling and street cleansing services is in the region of £4.9m per annum (£8.8m across the Partnership) and provides a refuse and recycling collection service to over 57,000 households in Tonbridge and Malling, an optional garden waste service, and a street cleansing service across the whole Borough. Whilst the current contract is performing well, the desired outcome for the contract retender is to continue to improve service delivery, meet customer expectations, improve levels of recycling performance, and meet current and forthcoming legislation. Over the length of the current contract there have been significant cost increases in the sector, so one of the aims of the tender process was to try to limit potential increases whilst still delivering a quality service.

4.3 At the 5 February 2025 meeting of this Committee, Members recommended to Cabinet that:

- the Council remains in partnership with Tunbridge Wells Borough Council for the delivery of household waste, recycling & street cleansing services;
- contracting out remains the Council's preferred commissioning model for the delivery of said services;

- a further report be presented to this Committee to allow for consideration of key service specification issues and the proposed procurement process for the delivery of said services.

4.4 These recommendations were subsequently approved by Cabinet on 11 February 2025.

4.5 At the following meeting of this Committee on 5 March 2025, Members recommended to Cabinet that:

- the Competitive Flexible Procedure procurement route and timeline as outlined at Section 5.1 to the report be agreed;
- the proposed contract length be 12 years as outlined at Section 5.2.1;
- joint Delegated Authority be given to the Cabinet Member for Transformation and Infrastructure and the Director of Street Scene, Leisure and Technical Services to agree contract variations following dialogue and negotiation ahead of the contractors' final bids, as outlined at Section 5.1.5;
- the proposed Specification amendment highlighted at Section 5.3 be agreed and reflected in the tender pack;
- the proposed areas of dialogue as highlighted at Section 5.4 be agreed;
- the proposed contract options as highlighted at Sections 5.5 be agreed;
- the approach to vehicle finance options, as highlighted at Sections 5.6 be determined by the Partner Authority Finance lead officers and be reported to the appropriate Committee and Cabinet;
- the proposed method of indexation as highlighted at Section 5.7 be agreed;
- the proposed tender evaluation be progressed in accordance with Section 5.8;
- the proposed approach to decarbonisation as highlighted at Section 12.7 be agreed.

4.6 For ease of reference, the Committee report of 5 March 2025 is attached at **Annex 1** of this report (Link: [Waste, Recycling and Street Cleansing Contract – Report to Communities and Environment Scrutiny Select Committee of 5 March 2025](#)). The recommendations were approved by Cabinet on 1 April 2025.

## 5 Update on Committee Recommendations of 5 March 2025

5.1 During the procurement process, Officers have been mindful of the agreed recommendations of Cabinet, and these have been considered with the tenderers

in the Dialogue stage of the tender process. The following section of this report provides an update on those recommendations and the outcomes.

5.2 *The Competitive Flexible Procedure procurement route and timeline as outlined at Section 5.1 be agreed.*

5.2.1 This proposed procurement route was adopted and managed with the assistance & guidance of senior officers from the TMT Procurement Partnership (a partnership between Tonbridge & Malling, Tunbridge Wells & Maidstone Borough Councils). The agreed timeline – although challenging - was largely adhered to and the Councils are on target for the original Contract Award deadline of late April 2026.

5.3 *The proposed contract length be 12 years as outlined at Section 5.2.1.*

5.3.1 The Contract will be awarded for a period of 12 years (to 31 March 2039) with an option to extend by up to two years if mutually agreeable to all parties.

5.4 *Joint Delegated Authority be given to the Cabinet Member for Transformation and Infrastructure and the Director of Street Scene, Leisure and Technical Services to agree contract variations following dialogue and negotiation ahead of the contractors' final bids, as outlined at Section 5.1.5.*

5.4.1 During the Dialogue stage of the procurement process, all subjects approved by Members were discussed, and a number will be reflected in the final Contract documents.

5.5 *The proposed Specification amendment highlighted at Section 5.3 be agreed and reflected in the tender pack.*

5.5.1 The proposal for the suspension of fortnightly garden waste collections for one cycle over the Christmas/New Year period has been included within the new Contract Specification.

5.6 *The proposed areas of dialogue as highlighted at Section 5.4 be agreed.*

5.6.1 All four issues were discussed at the Dialogue stage with tenderers. The latter included the results of those discussions in their final submissions, and any relevant proposals were considered during evaluation of the Quality sections of their tender. Specifically:

- Implications of pending regulations – all tenderers included their views on such regulations such as Simpler Recycling, Deposit Return Scheme and Extended Producer Responsibility.
- Efficiencies in Service Delivery – all tenderers addressed potential efficiencies, frequency of collections, value for money, etc., within their submissions.

- Early start times – during Dialogue sessions and in final submissions, some flexibility on start times (standard being 7am for collections) was welcomed by tenderers but generally in occasional circumstances such as adverse weather & roadworks, rather than being the standard practice.
- Street Cleansing Methodology – all tenderers submitted street cleansing proposals that met the Contract Specification's output requirements.

5.7 *The proposed contract options as highlighted at Sections 5.5 be agreed.*

5.7.1 The Councils requested that separate unit costs be provided for a number of discretionary items in the submissions so that assessments can be made as to the costs & frequency of such works, including the cleansing of specific sections of High-Speed Roads, largely dual carriageways. Officers will bring proposals for such works to the May meeting of this Committee for consideration and recommendation to Cabinet.

5.8 *The approach to vehicle finance options, as highlighted at Sections 5.6 be determined by the Partner Authority Finance lead officers and be reported to the appropriate Committee and Cabinet.*

5.8.1 During the procurement process, options for future funding of vehicles were discussed with tenderers, and indicative cost savings that may be achieved by the Councils funding the required vehicles were provided by tenderers at Stage 2 of the submission process. Following approval of the preferred supplier, officers will continue to discuss the optimal funding options for the Partnership and will report into the May meeting of this Committee.

5.9 *The proposed method of indexation as highlighted at Section 5.7 be agreed.*

5.9.1 Following discussions at Dialogue stage and subsequent submissions, it has been agreed that the annual indexation for the Contract be based on a suite of indicators, to reflect inflationary costs, fuel costs and labour costs. This reflects the initial feedback received during market testing and will be reflected in the final Conditions of Contract.

5.10 *The proposed tender evaluation be progressed in accordance with Section 5.8.*

5.10.1 The tender evaluation weighting was approved as being a Price: Quality weighting of 60:40 respectively. The outcome of this weighting is detailed in **Annex 2** (Part 2 Private publication – Reason LGA 1972 – Sch 12A Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

- 5.11 *The proposed approach to decarbonisation as highlighted at Section 12.7 be agreed.*
- 5.11.1 The tender submissions included proposals for decarbonisation and the Climate Change Officers from the respective Partner Authorities were involved in the evaluation of the final submissions. Members may recall that at the meeting of this Committee on 5 March 2025, a summary of potential options for decarbonising the fleet of vehicles employed on the Waste Contract was presented. It was considered that switching from diesel to Hydrotreated Vegetable Oil (HVO) - or mixing the two in various ratios – was the “*lowest risk, lowest additional cost, and easiest route to operational decarbonisation*”. A risk and mitigation assessment for HVO was included in that report.
- 5.11.2 The current proposals for the start of the new Contract – retaining diesel - reflect the limited infrastructure currently available at either Council’s depots, as well as local fuel suppliers. During the procurement process, tenderers submitted options for switching fuels during the early years of the Contract and these options will be further explored with the preferred contractor during mobilisation in order to drive forward any initiatives for decarbonisation including the use of HVO. There remain further opportunities at the end of the current leases on the majority of the collection fleet (when replaced in Year 5 of the Contract) to explore the use of electric vehicles or any technical innovations that may be available at that time.
- 5.12 During the Dialogue stage, the Councils raised the potential for open-book accounting to drive further efficiencies in the future, such as when exploring funding options for new vehicles. Whilst it was not feasible to build such arrangements into the final tender documents given the complexities of the various permutations of open-book accounting, options will be further explored with the preferred contractor in order to identify any potential efficiencies in future, particularly with regard to future vehicle funding during the term of the Contract.

## 6 The Retendering Process

- 6.1 At its meeting on 1 April 2025, Cabinet approved the proposal to use the Competitive Flexible Procedure procurement route.
- 6.2 The Competitive Flexible Procedure allows for four stages to be conducted:
- **Stage One – Invitation to Submit Initial Tenders.** Both a tender notice and full tender pack are issued. During this stage, tenderers may ask clarification questions to which the Partners must respond within a set timescale. Once the initial tender period has closed, submissions are assessed and evaluated against a set of mandatory criteria. Any submission passing the mandatory criteria will then be assessed against the scored elements. Other tenders may be disregarded at this stage.

- **Stage Two – Dialogue.** Dialogue meetings will be held with each tenderer through to this stage with the aim of furthering both the tenderer(s) and Partners understanding of the contract requirements, particularly those issues highlighted within the Specification document (see 5.6 above).
- **Stage Three – Negotiation.** Negotiation in this process is defined as '*discussion between the partners and tenderers with a view to improving the content of the tenders*' If [as in this case] the Partners deem this stage to offer no value to the process, they reserve the right to discard this stage, especially as any potential issues may have been dealt with through Dialogue.
- **Stage Four – Invitation to Submit Final Tenders.** This is an opportunity for tenderers to submit their final tenders which will be used for the final Quality & Price assessment. This will identify the tenderer which has submitted the most advantageous tender in accordance with the assessment methodology and award criteria set out in the Tender Notice. Tenders may be disregarded at this stage.

6.3 To advise Members, the original timescale for the procurement and implementation of the new contract was as follows:

- Tender Notice & Document Pack issued – May 2025
- Clarification Questions – ended June 2025
- Stage One Tender Submissions – July 2025
- Stage One Tender Evaluation period – ended September 2025
- Stage Two Dialogue – September/October 2025
- Stage Three Negotiation – not required
- Stage Four Tender Submissions – November 2025
- Stage Four Tender Evaluation period – ended January 2026
- Partners' Approval Process – January-April 2026
- Award of Contract w/c 20 April 2026 (8-day standstill period following latest respective Partner Council meeting – see 1.3 below). There is a 30-day window in which an informal or formal challenge can be submitted by any of the tenderers objecting to the award of the Contract. This window is 30-days from the disclosure of information. Should such a challenge be made, this would potentially delay the process. A 'Plan B' timetable has been developed to identify any key risks to the proposed Contract start date.

- Contract Commencement – 1 April 2027

6.4 It is pleasing to note that, despite what has been a challenging process and timescale, the Councils are currently on track to meet the deadline of late April 2026. However, it should be noted that the decision for Contract Award may be subject to challenge by the unsuccessful tenderers, which may cause a delay to award and mobilisation of the new Contract.

## **7 Partnership with Tunbridge Wells Borough Council (TWBC)**

7.1 TWBC officers have advised that they will report to their Communities, Housing & Environment Committee on 3 March 2026, and subsequently to its Council meeting on 22 April 2026, thus ensuring that both Councils' decision-making processes are aligned as closely as possible. Members will receive a verbal update at this meeting on decisions taken by TWBC, as clearly the successful contractor cannot be appointed until final approval has been granted by both Partner Authorities.

## **8 Tenders Received**

8.1 At Stage One (Initial Tenders), eight tenders were received. Four of the tenderers were excluded on the grounds of not passing the mandatory requirements and as such were not progressed through to Stage Two Dialogue meetings. Exclusion notices were issued to those tenderers with no informal or formal challenge being received.

8.2 At Stage Four (Final Tender), four submissions were received. Two tenders failed to follow the instructions issued in the documents and were deemed non-compliant. In addition to being non-compliant bids, both tenderers had also submitted conditional tenders which the Partner Authorities cannot accept. As such they were not progressed to Stage Four evaluations and exclusion notices were issued to those tenderers.

8.3 Two submissions were then fully evaluated as Stage Four (Final Tender) submissions.

## **9 Tender Evaluation**

9.1 The evaluation criteria for the award of the contract as approved by Cabinet at its meeting on 1 April 2025 were subsequently incorporated within the tender documentation. A price-quality ratio of 60% price: 40% quality was applied as approved by Members.

9.2 In order to manage the evaluation of the tenders efficiently, the first stage of the process (Stage One) included a series of mandatory criteria. Which are pass/fail questions. If the mandatory elements are not met by the tenderers(s), they will be notified and their tender will not be evaluated further. The mandatory questions were set by the Partner Authorities and were set out in the documentation issued

to the market. These mandatory criteria were included to ensure that the Partnership Councils had a process to remove unsuitable contractors at the earliest stage. These criteria included minimum standards for Economic & Financial Standing and Technical & Professional Ability, and other key contract requirements such as insurance. The evaluation of these requirements was carried out by the TMT Procurement Partnership in collaboration with the respective Partner Authorities Waste, Finance & Legal teams.

- 9.3 The final two tenders were evaluated on their Quality submissions in detail by the Evaluation Panel that included Officers from both this Council and TWBC. The panel included Waste Contract Operations, leads, as well as Health & Safety Officers and Climate Change/Sustainability officers.
- 9.4 The matters which were taken into account in respect of the quality submission were:
- contract mobilisation plans;
  - service delivery arrangements for recycling, refuse & street cleansing services;
  - management and staffing structures & levels of staffing resources;
  - planned resources for vehicles, plant & equipment;
  - proposed technologies;
  - business continuity arrangements;
  - performance & quality management frameworks and systems;
  - environment & sustainability;
  - staff training; and
  - added/social value.

The tenderers were made aware that such matters would be taken into account in the Invitation to Tender documentation.

- 9.5 The price was evaluated using the following formula:
- (Lowest Cost Submitted/Cost Submission being assessed) x Weighted Cost Score
  - Tenderers were notified in advance of this methodology for tender

- 9.6 The outcome of the evaluation process is shown within **Annex 2** (Part 2 Private publication) and details both the quality and price scores whilst also providing the overall final tender scores. The Part 2 Annex also shows the Final Tender prices.

Taking into consideration the final tender scores it is proposed that the contract be awarded to Contractor A. The name & details of Contractor A are also included within **Annex 2**.

## **10 Proposal**

- 10.1 The procurement of the new contract has been a major piece of work involving Officers from across the Council working in close partnership with colleagues from Tunbridge Wells Borough Council. Learnings from the current Partnership Contract have been taken on board to minimise the risk of disruption to residents in moving to a new contract, such as not changing collection methodology early on in the new Contract.
- 10.2 As detailed in this report, the recommendations of Members of this Committee and Cabinet have been taken into account throughout the tendering process. Further reports will be presented to Members regarding the potential options for financing of vehicles throughout the life of this Contract and for discretionary works such as frequencies of high-speed road cleansing.
- 10.3 It is important to note, however, that the appointment of the successful contractor as set out in **Annex 2** and above is just another milestone within the delivery of the project, with a significant amount of work now required to ensure the successful mobilisation and implementation of the new arrangements. It has been recognised that good communication with our residents will be essential to the success of the new contract, regardless of whether or not there are any service changes.

## **11 Other Options**

- 11.1 Early on in the tender process Members of this Committee received an options report on the service delivery model to be used. Members considered an in-house operation, establishing a LATCO and contracting out. Having looked at the pros and cons of each model Members recommended to Cabinet contracting out, which was subsequently agreed by Cabinet.
- 11.2 The tender process detailed in this report complies with the requirements of the Procurement Act 2023 and the robust evaluation process adheres to the route selected by Members as set out at section 4.5 above. As such there is no legally compliant option available to award the Contract to an alternative supplier.

## **12 IT Considerations**

- 12.1 In order for the contract to be successfully mobilised, a number of IT-related projects will need to be undertaken prior to contract start. This will need to include updates and improvements to the existing Customer Relationship Management system, and to the Waste Management System proposed to be used by the Contractor, as well as any integration required between the two systems. This will also include a review of the current collection round & cleansing schedules

structures prior to Contract commencement. Previous experience shows that without a significant investment of time and resources in implementing any required changes there are real risks, not only of potential service failures, but also a high chance of public dissatisfaction.

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

- 13.1 Following an assessment of market conditions and advice from consultants, the Officers took the active step of increasing the potential cost of the forthcoming contract within the Medium-Term Financial Strategy that was approved by Council in February 2025.
- 13.2 Allowing for inflationary effects and adjustments for any TUPE-related uplifts between tender submission date and the start of the contract - as included within the contract arrangements - the successful tender price is within the budgetary allowance contained within the MTFS.
- 13.3 It should be noted that the award amount does not include additional costs of periodical services such as the cleansing of high speed roads. Service Officers are looking to assess the frequency levels in order not to exceed the budget provision within the MTFS.
- 13.4 Finally, the tender has an allowance for the alternative funding of the contractor fleet, in that the Council could finance the cost at a lower rate than the contractor. This assessment has yet to be fully undertaken, once completed a further report will be made to provide recommendations to members.

### **14 Risk Assessment**

- 14.1 The retender of the contract has been extremely thorough and has been progressed in compliance with the relevant legislation. A project group as referenced earlier in this report has overseen the process and has maintained a risk register throughout.

### **15 Legal Implications**

- 15.1 The Council has a legal duty to provide waste and street cleansing services. The procurement of the new contract has been undertaken in compliance with all current legislation, including the Procurement Act 2023 which came into force in February 2025.
- 15.2 Legal Services at both this authority and Tunbridge Wells Borough Council – together with senior officers from the TMT Procurement Partnership – have been directly involved in advising the Project Team throughout the procurement process, including specific involvement with Conditions of Contract and giving legal advice on the procurement process. Legal advice has also been sought from specialist Solicitors on the procurement process as required during the project.

- 15.3 The results of the tender evaluation stages fully comply with the requirements of the procurement process and of associated legislative requirements under the Procurement Act 2023.

## **16 Consultation and Communications**

- 16.1 Communications –close communication between the partner authorities has been maintained throughout the tender process together with ongoing dialogue with the contractors tendering for the contract.
- 16.2 Community-the waste services contract is the Council's largest contract and impacts on all householders and residents within the borough. The Council keeps residents regularly update via the website particular when any temporary changes are made such as Christmas.
- 16.3 Procurement - as detailed earlier in the report the TMT Procurement Partnership has been fully engaged throughout the tender process ensuring compliance with legislation, the Council's Procurement Strategy and the Council's financial rules and regulations.

## **17 Contract Implementation/Mobilisation**

- 17.1 The contract start and service commencement date is 1 April 2027. There are not anticipated to be any significant changes to service delivery from Contract commencement. It is anticipated that a further review of collection round structure and street cleansing schedules will take place during Contract mobilisation (following formal award of Contract), as the last review and restructuring of rounds took place in 2023. This will allow sufficient capacity on the schedules to take into account actual property growth and additional adopted streets between now and 2027, as well as future capacity for the first few years of the new Contract.
- 17.2 Subject to the award of the contract, it is the intention for Officers to review and further develop the successful Contractor's proposed Mobilisation Plan to ensure the specific requirements of the Contract are met. An essential element of the Plan will be providing clear and continuous communication with residents, and this will be addressed alongside the Council's future Waste Services Marketing Plan, the next version of which will be reported to this Committee's meeting in May. Members will be kept regularly updated on progress of the mobilisation.

## **18 Cross Cutting Issues**

- 18.1 Climate Change and Biodiversity
- 18.1.1 Climate change advice has been sought throughout the tender process, with both Councils' Climate Change Officers being actively involved in the development of the Specification and evaluation stages.

## 18.2 Equalities and Diversity

18.2.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and does not vary between groups of people. The results of this analysis are set out immediately below.

18.2.2 As there are no significant changes to the current service delivery and policies & procedures, it is not considered that a further Equality Impact Assessment is required for this process. The current EQIA, as approved by Members in 2018, identified three impacts as follows:

- The need for a supported service by those with a protected characteristic or disability who require assisted collections – this remains in the new Contract Specification and it allows for any possible variation in numbers over the duration of the contract. The successful contractor will be required to meet any requests for this assisted service.
- Communicate changes to the service to residents with the protected characteristics of age and disability – this issue has been addressed within the ongoing Waste Services Marketing Plan and its aim will be to reach all residents and all age groups within the Borough as far as it is practicable through a balance of traditional and more innovative forms of marketing/promotion. The next version of the Marketing Plan is scheduled to be reported to this Committee in May.
- Monitor the delivery of the new contract to measure its success in improving levels of service including those with protected characteristics – monitoring & reporting regimes have been built into the Contract Specification & Contract Conditions and were included in all evaluated tender submissions. Performance will formally be monitored by the Partnership Manager and through the Partnership Steering Group meetings. In terms of the EQIA this will include specific reporting of assisted collection performance.

## 18.3 Other If Relevant

### 18.3.1 Business Continuity / Resilience

- Tenderers were instructed to submit their own Business Continuity Plans (BCP) relating specifically to this Contract, and these were evaluated as part of the Quality submission scoring process, particularly in terms of alignment with the Partner Authorities own BCPs.

### 18.3.2 Health and Safety

- Tenderers were instructed to submit their own Health & Safety Policies, including details of Health & Safety considerations relating specifically to the delivery of this the Contract. The Partner Authorities' own Health & Safety Officers took part in the Evaluation Stages, and these were evaluated as part of the Quality submission scoring process.

### 18.3.3 Data Protection

- Tenderers were instructed to submit their own Data Protection & Data Management Policies, including as they specifically relate to the delivery of this Contract. The Partner Authorities evaluated these as part of the Quality submission scoring process.

Background Papers	None
Annexes	Annex 1 – <a href="#">Waste, Recycling and Street Cleansing Contract – Report to Communities and Environment Scrutiny Select Committee of 5 March 2025</a> Annex 2 (Part 2 Private publication) – Tender Submission Scoring Matrix

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

# Agenda Item 17

- Recommendations are 'to follow' and will be circulated in advance of the meeting.

This page is intentionally left blank

## Audit Committee

13 April 2026

### Part 1 - Public

#### Recommendation to Council



Report Author

Cllr Robert Cannon – Chair of the Audit Committee

### Annual Report of Chair

#### 1 Summary and Purpose of Report

- 1.1 This report is produced to inform Council on how the Audit Committee has provided 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. It is recommended that the Audit Committee agree that this report is presented to Council to support this assurance.

#### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 This report provides a commentary on how the Audit Committee contribute towards ensuring an effective council.

#### 3 Recommendations

- 3.1 Members of the Audit Committee are **REQUESTED** to:
- 1) **CONSIDER** this report, making any amendments as necessary; and
  - 2) **RECOMMEND** that it is presented to Full Council to provide 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.

#### 4 Introduction and Background

- 4.1 The Accounts & Audit (England) Regulations impose a responsibility on a local authority "for ensuring that the financial management of the body is adequate and effective and that the body has a sound system of internal control which facilitates the effective exercise of that body's functions and which includes arrangements for the management of risk."

- 4.2 The Chartered Institute of Public Finance & Accountancy (CIPFA) sets out the role of Audit Committees in their Practical Guidance for Local Authorities 2018. This states that "the purpose of the Audit Committee is to 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."
- 4.3 The Audit Committee comprises seven Members and is politically balanced. The Terms of Reference for the Committee are set out in Part 3 of the Constitution – Responsibilities (Responsibility for Council Functions).
- 4.4 The Committee has four planned meetings each year at which reports submitted by Officers and the External Auditor are considered. By consideration of these reports and matters raised within them it is considered that the Audit Committee fulfils the core functions of an Audit Committee as set out in the CIPFA Guidance and is able to give independent assurance to the Council to meet the requirements of the Accounts & Audit (England) Regulations.
- 4.5 The core functions of the Audit Committee are dealt with in the following paragraphs.

## **5 Assurance Statements**

- 5.1 In April 2025 the Committee considered and endorsed management responses to Informing the Audit Risk Assessment 2024/25 in respect of the audit of the financial statements.
- 5.2 In July 2025 the Committee endorsed the revised Local Code of Corporate Governance that sets out how the Council will comply with the principles of the 2016 CIPFA/SOLACE (Society of Local Authority Chief Executives) "Delivering Good Governance in Local Government Framework 2016". Members noted that there were no substantive changes proposed to the Code, however it had been revised to reflect a small number of minor updates within the past year including the following:
- A new complaints handling procedure from 1st June 2025
  - Annual Service Delivery Plan for 2025/2026
  - Procurement Strategy 2024-2026
- 5.3 During discussion of the Local Code of Corporate Governance, Members of the Committee suggested that consideration be given to Grant Thornton undertaking a review of the Committee's effectiveness to provide additional assurance of the effectiveness of the Committee.
- 5.4 The Committee is required to consider and approve the contents of the Annual Governance Statement (AGS), and this also took place in July 2025. The AGS

(which accompanies the Statement of Accounts but is not part of the Accounts) explains how the Council complies with the Local Code of Corporate Governance and the Accounts & Audit Regulations, assessing and demonstrating that there is a sound system of corporate governance throughout the organisation.

- 5.5 The AGS is supported by signed Assurance Statements provided by members of the core Management Team and the three statutory officers and is prepared by way of a self-assessment questionnaire and supporting evidence. No significant concerns were raised as a result of this exercise. The Statement was signed by the most senior Member and officer of the Council on 31 May 2025.

## **6 Internal Audit Function**

- 6.1 The Audit Committee has a role in relation to the Council's Internal Audit function to: -
- Oversee its independence, objectivity, performance and professionalism.
  - Support the effectiveness of the Internal Audit process.
  - Promote the effective use of Internal Audit within the assurance framework.
- 6.2 As Members are aware, the Internal Audit function is carried out by Kent County Council under a delegation arrangement. This arrangement gives the function greater resilience and access to a broader range of skills and expertise. It was pleasing to hear that the Internal Audit and Counter Fraud team won the "Excellence in Public Sector Audit" at the Public Sector Finance Awards.
- 6.3 The Audit Committee received a number of reports to oversee the role of the Internal Audit function.
- 6.4 The professional standards for Internal Audit require the Chief Audit Executive to establish a risk-based plan to determine the priorities of the internal audit activity, consistent with the organisation's goals.
- 6.5 The Annual Internal Audit and Fraud Plan for 2025/26 was presented to the Audit Committee in April 2025 and Members were able to consider the content prior to recommending approval.
- 6.6 The Audit Committee is required to consider the effectiveness of Internal Audit on an annual basis. This review was based upon evidence produced and the view of Management Team. A report was submitted to the Audit Committee in July 2025 which reported that Management Team opinion on the effectiveness of Internal Audit was "Good". Members considered the findings of this review and endorsed the opinion that the effectiveness of Internal Audit was "Good".
- 6.7 As part of the Public Sector Internal Audit Standards (PSIAS), Internal Audit is required to maintain a Quality Assurance and Improvement Programme (QAIP),

which is overseen by the Audit Committee. The QAIP summarises all of the measures in place to enable an evaluation of the internal audit activity's conformance with the PSIAS. The programme also assesses the efficiency and effectiveness of the internal audit activity and identifies opportunities for improvement and learning for the team.

- 6.8 The PSIAS require an independent external quality assessment (EQA) to be undertaken at least every five years. The current independent EQA is underway at the time of writing this report and the results will be reported to this committee in the forthcoming months.
- 6.9 The Internal Audit Charter, which is reviewed against professional standards, is a key document in the delivery of Internal Audit setting out the purpose, authority and responsibilities of the service which was subject to review at the April 2025 meeting of the Audit Committee.
- 6.10 The Internal Audit Charter gives the Audit and Assurance Manager (on behalf of the Chief Audit Executive) the right to raise issues directly with the Chair of the Audit Committee if considered necessary. This would only occur in circumstances where the Audit and Assurance Manager considered that the Chair of the Audit Committee needed to be made aware of significant assurance concerns. There have not been any instances where this has been considered necessary.
- 6.11 Throughout the year the Audit Committee received a number of reports updating Members of the progress of work carried out by Internal Audit and Fraud against the Annual Plan. These reports informed the Audit Committee of Internal Audit's opinion on the audits undertaken and gave additional information where a limited or no assurance was given.

## **7 Audit Committee Responsibilities**

- 7.1 The responsibilities of the Audit Committee are set out in the Constitution of the Council.

## **8 Risk Management Arrangements and Control Environment**

- 8.1 The Audit Committee is required to consider the effectiveness of the Council's risk management arrangements and the control environment. The Members are required to review the risk profile for the Council and seek assurances that action is being taken on risk-related issues, including partnerships with other organisations.
- 8.2 The Chair of the Audit Committee was appointed the Member Risk Champion following a decision by Cabinet in November 2024. A list of the responsibilities of the Member Risk Champion has been shared with the Committee.
- 8.3 The risk profile for the Council is undertaken as part of the audit needs assessment to identify those areas where Internal Audit is most effective.

- 8.4 The Risk Management Strategy is the framework for setting out the responsibilities for ensuring that a sound risk management process is in place. The strategy was reviewed by the Audit Committee in September 2025, and officers will look to review this for update in September 2026.
- 8.5 As part of the review the Strategic Risk Register format has been reviewed with the updated format being presented to Members in January 2026.
- 8.6 The Risk Management Strategy requires Management Team to escalate any relevant risks to the Strategic Risk Register (SRR) for reporting to this Committee with changes highlighted. The SRR is a 'live' document and is updated, as often as is required, by the Management Team. An update of the current strategic risks and how they are being managed is reported to each meeting of the Committee.
- 8.7 The Insurance Officer maintains a record of all claims made against the Council which are reported to the Audit Committee half-yearly. These reports also inform Members of the steps being taken to minimise similar claims being made.
- 8.8 All reports to Council require a risk assessment of the issues involved to be reported as part of the consideration of the report.

## **9 Assurance Framework and Planning**

- 9.1 The assurance framework is the overall process that provides evidence to support the AGS. The Audit Committee has a responsibility to understand what assurance is available to support the AGS.
- 9.2 The AGS was presented to Members at the meeting of July 2025. The supporting evidence to the AGS consisted of a document setting out the areas of the assurance framework to be considered with an explanation of evidence that supported the conclusions of the AGS.

## **10 Value for Money and Best Value**

- 10.1 One specific area for the Audit Committee should be consideration of the external auditor opinion on value for money as set out in the codes of audit practice. In addition, the Audit Committee should consider what other assurances are available in relation to identified value for money risks and highlight areas for improvement. (CIPFA Audit Committee Guidance).
- 10.2 The Auditor's Annual Report for the year ended 31 March 2025 on the Authority's overall arrangements for securing economy, efficiency and effectiveness in its use of resources was presented to the Audit Committee at the meeting in September 2025. Grant Thornton had not identified any significant weaknesses in the Council's arrangements to improve economy, efficiency and effectiveness. An improvement recommendation was made in respect of the response to the Internal Audit recommendation on the Agile Software implementation and the response of management was provided.

- 10.3 As part of the embedded system for achieving value for money, all Council reports contain a section where value for money is considered.

## **11 Countering Fraud, Bribery and Corruption**

- 11.1 The Audit Committee role is defined as having an oversight of the strategy to counter fraud and to assess whether or not it meets recommended practice and standards.
- 11.2 The Audit Committee is responsible for the review of the policies relating to countering fraud, bribery and corruption and anti-money laundering. In January 2025 it reviewed the Whistleblowing Policy and the Anti-Fraud, Bribery and Corruption Policy.
- 11.3 The Audit Committee also receives updates on the progress of the National Fraud Initiative results and other work undertaken by the Fraud Team as part of the audit and fraud updates to every meeting. The work of the Fraud Team reported to the Committee in 2025/26 include amounts to be recovered and increased annual liability due to fraud and error.
- 11.4 The Whistleblowing Policy requires the Audit Committee to be informed of the outcome of any investigations arising from concerns raised under it. No such matters have been drawn to the attention of the Committee in the period covered by the report.

## **12 External Audit**

- 12.1 The Audit Committee should receive all reports from the external auditor and monitor action to be taken that arises from them.
- 12.2 The Audit Committee has received copies of all external auditor reports during the year and has been able to consider the content. The external auditor provides a representative to all Audit Committee meetings where the Audit Committee is able to raise questions regarding the content of reports.

## **13 Financial Reporting**

- 13.1 Local Authority accounts are produced in line with guidance set out by CIPFA. The role of the Audit Committee with regard to these financial statements is not one of detailed knowledge of this guidance but is more aligned to focus on financial reporting and financial governance rather than on the wider issues of spending and performance.
- 13.2 The CIPFA Guidance identifies areas that the Audit Committee should be concerned with as follows: -
- reviewing the narrative report to ensure consistency with the statements and the financial challenges and risks facing the Council in the future

- reviewing whether the narrative report is readable and understandable by a lay person
- identifying the key messages from each of the financial statements and evaluating what that means for the Council in future years
- monitoring trends and reviewing for consistency with what is known about financial performance over the course of the year
- reviewing the suitability of accounting policies and treatments
- seeking explanations for changes in accounting policies and treatments
- reviewing major judgemental areas, e.g. provisions
- seeking assurances that preparations are in place to facilitate the external audit.

13.3 The Audit Committee received the unaudited set of Accounts for 2024/25 at its meeting of July 2025.

13.4 The audited set of Accounts 2024/25 was duly presented to the meeting of the Committee in September 2025. This report gave the Audit Committee assurance that the accounts were presented in compliance with required legislation and best practice guidance. Following consideration of the accounts and a detailed report giving evidence of how compliance is achieved, the Audit Committee agreed to endorse the Statement of Accounts and supporting documents.

13.5 This was accompanied by the Audit Findings Report from the external auditor on the outcome of the audit of the accounts who subsequently issued an unqualified audit opinion on the financial statements, being the first Council in the County to have their accounts formally approved by the Auditors.

13.6 At the same meeting in September 2025, the Committee received the Auditor's Annual Report on the Authority's overall arrangements for securing economy, efficiency and effectiveness in its use of resources. As stated earlier the Auditor felt that, during 2024/25, no significant weakness in arrangements were found.

## **14 Partnership Governance**

14.1 The latest CIPFA Guidance identifies that the Audit Committee should review assurances over partnerships to ensure that arrangements are satisfactorily established and are operating effectively.

14.2 The arrangements for significant partnerships are covered as part of the audit planning process and covered within individual audits as appropriate.

## **15 Treasury Management**

- 15.1 Although it is not included as a core objective of the Audit Committee, the CIPFA Guidance recognises that Treasury Management scrutiny may be a function of some Audit Committees to meet the requirements of the CIPFA Treasury Management Code of Practice.
- 15.2 The Committee receive regular updates on Treasury Management including the treasury management mid-year review and annual report. The Committee has received presentations from one of the Council's property fund managers and has had the opportunity to ask questions directly of the fund manager.
- 15.3 At the meeting of January 2026 Members of the Audit Committee reviewed the Treasury Management and Annual Investment Strategy for 2026/27 and recommended to Cabinet it be adopted by Full Council.

## **16 Training**

- 16.1 The Chair and Members of the Audit Committee receive in-house and or external training at varying intervals to assist with the understanding of the issues considered.
- 16.2 Training on the Statement of Accounts, Risk Management and Treasury Management was provided following the May 2023 Local Elections. Further training needs are addressed as and when required.

## **17 Conclusion**

- 17.1 The evidence in the preceding paragraphs explains how the Audit Committee has overseen the core functions of an Audit Committee as defined in the CIPFA Guidance.
- 17.2 The CIPFA Guidance identifies that the purpose of the Audit Committee 'is to 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.' This report acts to provide that independent assurance to Council.

## **18 Other Options**

- 18.1 If Members of the Committee have additional points they wish to contribute to this report, this can be done at the meeting in order that the report can be presented to Full Council.

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

- 19.1 The Audit Committee has a role considering the external opinion on value for money. This has been undertaken as outlined in this report.

## **20 Risk Assessment**

20.1 The Audit Committee consideration of risk assessment is covered in this report.

## **21 Legal Implications**

21.1 The Audit Committee role is based upon the CIPFA Guidance and meets the requirements of the Accounts & Audit (England) Regulations

## **22 Consultation and Communications**

22.1 This report will be presented to Full Council and be available to the public.

## **23 Implementation**

23.1 This report will be presented to Full Council by the Chair of the Committee.

## **24 Cross Cutting Issues**

24.1 Climate Change and Biodiversity

24.1.1 Adaptation and resilience have not been considered.

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

24.2 Equalities and Diversity

24.2.1 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	None

This page is intentionally left blank

# Agenda Item 18

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

This page is intentionally left blank

# Agenda Item 20

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

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

This page is intentionally left blank

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank