

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 8th April, 2014

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 8th April, 2014

Present: His Worship the Mayor (Councillor H S Rogers), the Deputy Mayor (Councillor Mrs S Luck), Cllr Mrs J A Anderson, Cllr J Atkins, Cllr Ms J A Atkinson, Cllr J A L Balcombe, Cllr M A C Balfour, Cllr Mrs P Bates, Cllr Mrs J M Bellamy, Cllr T Bishop, Cllr P F Bolt, Cllr Ms V M C Branson, Cllr Mrs B A Brown, Cllr F R D Chartres, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr Miss J R L Elks, Cllr Mrs C M Gale, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr Mrs E M Holland, Cllr P J Homewood, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr B J Luker, Cllr Miss A Moloney, Cllr Mrs S Murray, Cllr Mrs A S Oakley, Cllr M R Rhodes, Cllr T J Robins, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr R Taylor, Cllr D J Trice and Cllr Mrs C J Woodger

Apologies for absence were received from Councillors A W Allison, O C Baldock, C Brown, R D Lancaster, M Parry-Waller, A G Sayer, Mrs E A Simpson and D W Smith

C 14/20 DECLARATIONS OF INTEREST

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

C 14/21 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 18 February 2014 be approved as a correct record and signed by the Mayor.

C 14/22 MAYOR'S ANNOUNCEMENTS

The Mayor reflected on a busy period since the last meeting, having attended 297 engagements to date, full details of which were included in his journal on the website. He advised the Council of a number of memorable events including visits to schools taking part in the 'Youth and Remembrance' initiative part of which involved the design of a sculpture for the refurbished Memorial Gardens in Tonbridge. The Mayor encouraged Members to visit the exhibition of design ideas to be held at Tonbridge Castle from 14 April.

The Mayor mentioned the extraordinary talent on show at the Kent International Piano Courses Concert, referred to attendance at the Heusenstamm Friendship Circle Dinner and AGM and participation at the Commonwealth Flag Raising Day with Dame Kelly Holmes. The Mayor had also attended the Lord Lieutenant of Kent's Civic Service at Canterbury Cathedral and Dame Kelly Holmes' promotional event at the River Centre for her charity aimed at using the expertise of former athletes to help young people nationally but particularly in Kent. The Tonbridge Juddians Rugby Club Lunch and sponsored match had also been attended by the Mayor.

The Council was advised of the Holocaust Education Trust event at Hugh Christie School where a Polish survivor of the Holocaust had recounted her moving experience. The Mayor also indicated that he had attended the Flood Fair at East Peckham as a local Member and reported that Greg Clarke MP had been asked by the Prime Minister to look at what was being done by way of response to the emergency in Kent. The Mayor recommended a visit to the next similar event at Hildenborough where much advice would be made available.

Finally, the Mayor updated the Council on a number of Mayoral events including the successful Call My Bluff quiz where £700 had been raised, the 'Waste of a Day' visit to Blaise Farm and Aylesford Newsprint which had been much appreciated by the other mayors present, and the successful performance of Tom Jones at the Oast Theatre. The last event of the Mayoral year would be a farewell dinner at K College on 8 May which Members were encouraged to attend.

**C 14/23 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 14/24 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL
PROCEDURE RULE NO 5.5**

Councillor M Taylor asked the following question pursuant to Council Procedure Rule No 5.5:

“Question to Leader, Chief Executive or Director of Planning

In view of the clear violation of the planning approval TM/11/01191 and TM/13/02358 by the developer at Isles Quarry West, Borough Green, and the failure of the Planning Department to adequately monitor the contamination remediation, and their failure to provide proof of remediation under the BGPC FOI request of 7th March within the specified 28 day period, what action will be taken by this Council to

ensure safety of future residents, and the safety of the drinking water aquifer over the wider area.”

To which the Director of Planning, Housing and Environmental Health and Director of Central Services replied as follows:

“Detailed written answers have been provided to Cllr Taylor in relation to queries made both in response to Freedom of Information/Environmental Information (FOI/EIR) requests and other points raised on the subject of potential contamination and how it is addressed. When responding to a FOI/EIR request the Council is, of course, only able to provide information it actually holds and not information that the enquirer feels ought to be held.

Officers have also set out for Cllr Taylor the principle of the processes by which the Council, acting in its role as Local Planning Authority, should deal with potential contamination. The procedures have been of general national applicability for some years now and involve a number of stages which are reflected in the condition that has been placed on the planning permission for the development of Isles Quarry West (the condition itself reflects guidance issued by Government).

The planning process as expressed in the latest National Planning Policy Framework and Guidance, clearly places the onus on the applicant/developer to use suitably qualified professional advisors to ensure that the following procedures and practices are put in place:

- Site characterisation assessment – a desk study appraisal and site walkover;
- Submission of a remediation scheme – which should include matters arising as a result of a risk assessment;
- Implementation of the approved remediation scheme – notification to the local planning authority of when the works will start, validation by the developer and specialist advisors that the works have been carried out and reporting of any unexpected contamination found; and
- Monitoring and maintenance – a description of what is required and for how long.

As with all planning conditions the obligation for compliance rests entirely with the developer. In accordance with the condition of the planning permission the Council requires the developer to confirm that he has executed the works, as designed by the technical advisors, once the method has been approved by the Council. It is neither normal practice nor a requirement with this type of condition, or indeed the application of any planning condition, for Council staff to carry-out continuous monitoring. The guidance from Government does not envisage such an approach.

In the case of Isles Quarry West the development is proceeding in a satisfactory manner according to the stages set out in the planning condition. Due to the nature of the site and the existence of buildings and hard-standings, the stages are necessarily phased but this has not prevented the works proceeding appropriately. This was addressed in a report made to the Area 2 Planning Committee on 5th March.

Notwithstanding the particular role of the Council as Planning Authority, officers will continue liaison with the developers' technical advisors (and where and when appropriate, the Environment Agency) to obtain interim details while awaiting the revised remediation report relating to the area of the site where demolition of buildings and the lifting of hard surfaces is taking place."

C 14/25 LEADER'S ANNOUNCEMENTS

The Leader began by referring to the recent announcement that Sainsbury's was pulling out of the plans to redevelop Tonbridge Town Centre which he judged to be a strategic error by the company which had previously aborted attempts to redevelop the land adjoining the store in 1996 and 2008. The Leader had written to the Chief Executive of Sainsbury's arguing that the decision was tactically misguided, had taken a short term view and failed to consider the poor quality retail environment currently offered by the Tonbridge store to its loyal customers. In expressing the disappointment of the Council the Leader took the opportunity to record his appreciation to the Chief Executive, Management Team and other officers who had worked tirelessly on progressing the project. He remained committed to delivering regeneration and economic development in Tonbridge as a key priority of the Council and was pleased to report that the Management Team had begun discussions with other agencies and potential partners to identify future options.

The Council was updated on a number of elements relating to recovery from the flooding over the Christmas and New Year period including receipt of a Severe Weather Grant of around £250,000 to assist in meeting the Council's own costs of recovery. The Leader indicated that a claim had been submitted under the Bellwin Scheme for funding towards costs incurred in responding to the flooding. He was pleased to advise that the full sum of £99,176 net of the threshold of £26,262 had been accepted and thanks were recorded to the Chief Financial Services Officer for his work in putting forward the bid.

The Leader outlined the funding available to residents and businesses affected by flooding and the commitment to assisting communities in the ongoing recovery process. In particular he thanked those officers who had attended the information fair in East Peckham and reported the appreciative comments received from a resident of another authority. The Leader emphasised the Council's community leadership role in securing works to help reduce the risk of further incidence of flooding

given the distress caused by the events over the winter. Work was accordingly being undertaken with the Environment Agency and others to promote a package of measures to provide flood defence for the most vulnerable communities. He indicated the schemes that should receive high priority for the earliest possible funding including works to increase the Leigh flood storage area, extensions to the river walls in Tonbridge, flood prevention measures around the Hawden Stream, Hildenborough and schemes to mitigate flooding from the Medway and Bourne in East Peckham. The Leader hoped that his fellow council leaders would provide support in lobbying for such flood prevention measures in view of the compelling financial case for investment in capital projects to reduce the recurring levels of public expenditure on recovery and compensation schemes in the future. To this end the Leader was attending a meeting of the South East England Councils with Government ministers the following day to discuss flooding in the South East and stimulating economic growth when he would stress the link between investment in improved infrastructure and the human and financial cost of recovering from the recent flooding.

The Leader was pleased to inform the Council that Tonbridge Swimming Pool was now open for business and was a credit to the officers working closely with the insurers and the Leisure Trust. All the costs of repairing damaged equipment and the subsequent clean-up operation, amounting to £300,000, would be met by the Council's insurers. The Leader observed that it had taken nearly six months to reopen the facility after it had been flooded on the previous occasion.

The Council was advised that following considerable lobbying at the Kent and Medway level, the final South East Local Enterprise Partnership (SELEP) growth plan had recently been submitted to the Government and fully recognised the importance of a strong West Kent economy to the wider SELEP area. Details were given of the priorities included in the plan which would be assessed by the Government. It was hoped that funding would enable some of the local priorities to be brought forward.

The Leader outlined plans for the Heritage Open Days on the weekend of 13 and 14 September. He referred to the approach by the Mayor to all parish councils encouraging them to help register properties and gardens of historical and cultural interest in the Borough that were not normally open to the public to take part in the Open Days. It was noted that more than 20 had been involved last year and hoped that even more would participate this time.

Finally, the Leader referred to the recent marriage of Councillor Steven King and conveyed the congratulations and good wishes of the Council to him and his wife.

C 14/26 ADOPTION OF BYELAWS TO REGULATE ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN COLOURING, COSMETIC PIERCING AND ELECTROLYSIS

Item LA 14/10 referred from Licensing and Appeals Committee minutes of 19 March 2014

RESOLVED: That the recommendations at Minute LA 14/10 be adopted.

C 14/27 REVIEW OF PART OF THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2013

Item LA 14/11 referred from Licensing and Appeals Committee minutes of 19 March 2014

RESOLVED: That the recommendations at Minute LA 14/11 be adopted.

C 14/28 PETITION REGARDING HAYDENS MEWS AND THE WHITE HOUSE CONSERVATION STATUS

Item CB 14/32 referred from Cabinet minutes of 25 March 2014

RESOLVED: That the recommendations at Minute CB 14/32 be adopted.

C 14/29 PROGRAMME OF MEETINGS 2014/15

The Director of Central Services presented a draft proposed programme of meetings for the remainder of the year and to the commencement of the 2016/17 municipal year. Attention was drawn to the rescheduling of future Budget meetings of the Cabinet and Council to reflect the arrangements which applied in 2014. Members were also advised of amendments to the proposed dates of meetings of the Community Safety Advisory Board in March 2015 and 2016.

RESOLVED: That the programme of meetings be endorsed, subject to any amendments following any further considerations, and submitted to Annual Council for final confirmation.

C 14/30 SEALING OF DOCUMENTS

RESOLVED: That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

The meeting ended at 8.05 pm