

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 9th April, 2019

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 9th April, 2019

Present: The Deputy Mayor (Councillor Mrs J A Anderson) – in the Chair, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr T Bishop, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr N J Heslop, Cllr D Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr A K Sullivan, Cllr M Taylor and Cllr T C Walker

Apologies for absence were received from Her Worship the Mayor, Councillor Mrs P A Bates and Councillors Mrs S Bell, R P Betts, P F Bolt, J L Botten, Mrs M F Heslop, L J O'Toole, Ms S V Spence, Miss G E Thomas and F G Tombolis

PART 1 - PUBLIC

C 19/21 DECLARATIONS OF INTEREST

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

C 19/22 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 19 February 2019 be approved as a correct record and signed by the Mayor.

C 19/23 MAYOR'S ANNOUNCEMENTS

In the absence of the Mayor, no announcements were made.

C 19/24 PLANNING APPLICATION TM/18/00357/OA - THE NURSERY, TAYLORS LANE, TROTTISCLIFFE

Consideration was given to the report of the Director of Planning, Housing and Environmental Health in relation to application TM/18/00357/OA for replacement of an existing static mobile home with

a detached dwelling as permanent accommodation for an agricultural worker associated with the plant nursery at Taylors Lane, Trottiscliffe. The application had been adjourned for determination by the full Council in accordance with Council Procedure Rule No 15.25 following consideration by the Area 2 Planning Committee on 7 November 2018.

In order to facilitate the proper consideration of the application, the Council agreed to suspend its own procedure rules and resolved itself into a committee to which rules relating to a planning committee were applied.

In reaching its decision, the Council had regard to the reports considered by the Area 2 Planning Committee on 26 September and 7 November 2018 including the report of the Director of Central Services and Monitoring Officer which contained exempt information (LGA 1972 Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

RESOLVED: That planning permission be REFUSED for the following reason:

The proposed development by virtue of its overall height and bulk would cause harm to the openness of the Green Belt and is therefore inappropriate development, which is harmful by definition, and would also cause material harm to the open nature of the Green Belt. It is not considered that there are any very special circumstances that would clearly outweigh this identified harm and as such the development is contrary to the requirements of policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraphs 143 – 145 of the National Planning Policy Framework 2019.

C 19/25 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 19/26 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 19/27 LEADER'S ANNOUNCEMENTS

Investment Income

The Leader was pleased to update Members on the returns being seen from short term investments. Since the Council was elected in 2015, the interest alone from short term investments had generated approaching

£1m. In addition, investments made in property funds since June 2017 had added £75,000 during 2017/18 and £118,000 for the first three quarters of 2018/19. The final figure for the last quarter of 2018/19 was awaited and would be reported through the outturn reports.

Rough sleeper funding

The Leader referred to the bid for funding to help tackle rough sleeping within the Borough. He was pleased to report that the Council had been awarded £100,000 to fund a multi-agency approach to tackling rough sleeping. This included raising awareness of initiatives to end rough sleeping, outreach work which would focus on engaging with those already on the street and trying to locate and secure suitable accommodation and support, three units of accommodation for a housing first pilot to be delivered, and access to the private rented sector.

Retail shop scheme

Referring to the Business Rate Retention pilot, the Leader indicated that a Town and District commercial frontages scheme had been launched with grants of up to £5,000 to independent shopkeepers to help renovate and improve their shop fronts. The total project funding was £100,000 and small retailers in Tonbridge, West Malling, Borough Green, Snodland, Hadlow, Larkfield, Kings Hill, East Peckham, Aylesford and Wrotham could apply to the grant scheme.

Local Authorities Parks Improvement Fund

Due to high winds over the weekend of 16/17 March, a large oak tree located on the Motte at Tonbridge Castle fell, causing substantial damage to the paths and fencing. The Leader reported that the Council had employed a specialist contractor to remove the fallen tree together with another adjacent tree assessed by the contractor to pose a health and safety risk to the public. The cost of the works to remove the two trees had been met from the 2018/19 health and safety of trees revenue budget. Quotations were being sought to reinstate the path and the fence in liaison with English Heritage to enable the works to be progressed without delay. An initial budget estimate of £20,000 had been identified and later in the proceedings, consideration would be given to making use of an award of £20,231 from the Government's Local Authorities Parks Improvement Fund. The award expected that the monies would be used to undertake remedial and renovation works to existing parks and also allowed for addressing health and safety concerns.

Retiring Members

The Leader indicated that this was the last meeting of Council before the local elections and among the membership there were 19 Members not

seeking re-election. He listed and thanked each one of them for their individual service to the Borough, the Council and their local communities over varying years in length of service:

Peter Bolt's first term was May 1976 to May 1995 (19 years) and he was re-elected in May 1999 for a further 20 years – total service to this Authority of 39 years;

Owen Baldock had served for 35 years since May 1984;

Matthew Balfour and Chris Smith - 20 years since May 1999;

Sasha Luck and Allan Sullivan - 16 years since May 2003;

Barbara Brown, David Keeley, Russell Lancaster and Sarah Spence – 12 years since May 2007;

Tom Edmondston-Low, Steven King and Simon Jessel - 8 years since May 2011;

Sophie Shrubsole - 7 years since July 2012;

Finally, Tom Cannon, Ben Elks, Steve Perry, Ben Walker and Trevor Walker - 4 years since May 2015.

C 19/28 STATEMENT OF LICENSING POLICY 2019 - 2024 CONSULTATION

Item LA 19/15 referred from Licensing and Appeals Committee minutes of 12 March 2019

RESOLVED: That the recommendations at Minute LA 19/15 be approved.

C 19/29 UPDATE ON THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN AND THE ADOPTION OF THE HIGH WEALD MANAGEMENT PLAN

Item CB 19/30 referred from Cabinet minutes of 19 March 2019

RESOLVED: That the recommendations at Minute CB 19/30 be approved.

C 19/30 AUDIT COMMITTEE ANNUAL REPORT

Item AU 19/16 referred from Audit Committee minutes of 1 April 2019

RESOLVED: That the recommendations at Minute AU 19/16 be approved.

C 19/31 LOCAL CODE OF CORPORATE GOVERNANCE

Item AU 19/17 referred from Audit Committee minutes of 1 April 2019

RESOLVED: That the recommendations at Minute AU 19/17 be approved.

C 19/32 FUNDING OF UNBUDGETED PROJECTS

The report of the Management Team gave details of two unbudgeted projects which needed to be progressed without delay. These related to the reinstatement of the path and fencing on the Tonbridge Castle Motte following storm damage together with high priority health and safety repairs to a number of bridges owned by the Council.

RESOLVED: That

- (1) the recent award of £20,231 from the Government's Local Authorities Parks Improvement Fund be used to progress urgent reinstatement works to the Tonbridge Castle Motte with any balance funded from the General Revenue Reserve; and
- (2) a supplementary estimate of £20,000 be approved, funded from the General Revenue Reserve, to progress high priority repair works to Council owned bridges identified in the external Structural Engineer's inspection report.

C 19/33 PROGRAMME OF MEETINGS 2019/20

The report of the Director of Central Services presented for consideration a draft programme of meetings for 2019/20. Details of arrangements for the remainder of the year to the commencement of the municipal year 2021 were set out in the annex to the report. Attention was drawn to the need to change the date of the Annual Council meeting from 14 to 20 May 2019 and a further amendment was highlighted at the meeting involving the movement of the meeting of the Audit Committee from 22 to 29 July 2019.

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

C 19/34 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.

PART 2 - PRIVATE

**C 19/35 TM/18/00357/OA - THE NURSERY, TAYLORS LANE,
TROTTSCLIFFE**

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

Members received the private report of the Director of Central Services and Monitoring Officer (Minute C 19/24 refers).

The meeting ended at 8.52 pm