

TONBRIDGE & MALLING BOROUGH COUNCIL



**MINUTES OF COUNCIL,
CABINET
AND
COMMITTEE MEETINGS
2017**

Volumes 1 - 4

OCT 2016 – OCT 2017

TONBRIDGE AND MALLING BOROUGH COUNCIL
MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS

INDEX

Item	Page (s)
1. 27 October: Area 1 Planning Committee - Minute Numbers: AP1 16/20 - 27	5 - 12
2. 1 November: Council - Minute Numbers: C 16/62 - 76	13 - 18
3. 9 November: Area 2 Planning Committee - Minute Numbers: AP2 16/64 - 73	19 - 22
4. 29 November: Licensing and Appeals Committee - Minute Numbers: LA 16/90 - 96	23 - 24
5. 1 December: Area 1 Planning Committee - Minute Numbers: AP1 16/28 - 33	25 - 28
6. 14 December: Area 2 Planning Committee - Minute Numbers: AP2 16/74 - 84	29 - 34
7. 15 December: Licensing and Appeals Panels - Minute Numbers: - LA 16/97 – 99 - LA 16/100 – 102 - LA 16/103 – 105 - LA 16/106 – 108 - LA 16/109 – 111 - LA 16/112 – 114 - LA 16/115 – 117 - LA 16/118 – 120	35 - 50

8.	5 January: Area 3 Planning Committee - Minute Numbers: AP3 17/1 - 6	51 - 54
9.	16 January: Joint Standards Committee - Minute Numbers: ST 17/1 - 5	55 - 56
10.	19 January: Area 1 Planning Committee - Minute Numbers AP1 17/1 - 6	57 - 60
11.	23 January: Audit Committee - Minute Numbers: AU 17/1 - 15	61 - 66
12.	24 January: Overview and Scrutiny Committee - Minute Numbers: OS 17/1 - 7	67 - 70
13.	25 January: Area 2 Planning Committee - Minute Numbers: AP2 17/1 - 7	71 - 76
14.	31 January: Cabinet - Minute Numbers: CB 17/1 - 17	77 - 82
15.	Cabinet Decision Notices - D160082MEM - D160083MEM – D160088MEM - D160089MEM - D170001MEM – D170005MEM - D170006CAB – D170009CAB	83 - 106
16.	2 February: Area 3 Planning Committee - To Follow - Minute Numbers: AP3 17/7 -	107 - 108
17.	9 February: Cabinet - To Follow - Minute Numbers: CB 17/18	109 - 110
18.	Cabinet Decision Notices - To Follow - D170010 -	111 - 112

NOTE: In the case of items containing exempt information, the report must remain confidential but details of the decisions need not remain confidential.

As part of the Council's environmental strategy, all Committee agenda, reports and minutes are produced with recycled paper and are available to view on line.

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 27th October, 2016

Present: Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs P A Bates, Cllr F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr T Edmondston-Low, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr H S Rogers and Cllr C P Smith

Apologies for absence were received from Councillors M O Davis, B T M Elks, Miss J L Sergison, Ms S V Spence and F G Tombolis

PART 1 - PUBLIC

AP1 16/20 DECLARATIONS OF INTEREST

For reasons of transparency, and on the advice of the Monitoring Officer, Councillor C Smith declared a potential pre-determination and bias regarding application TM/16/01169/FL (Café 1809, 152-154 Tonbridge Road, Hildenborough). After hearing the views of the members of the public he addressed the Committee before withdrawing from the meeting and took no part in the debate or vote.

AP1 16/21 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 30 June 2016 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP1 16/22 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP1 16/23 TM/16/01169/FL - CAFE 1809, 152-154 TONBRIDGE ROAD, HILDENBOROUGH

Variation of conditions 6 and 7 of planning permission TM/13/02727/FL to allow the cafe to be open between the hours of 07:30 to 20:00 Monday-Saturday, to allow for the use of outside space by customers between the hours of 07:30 to 20:00 Monday-Saturday between the months of May- September; (inclusive), and to allow for the use of the premises for private functions all year round (up to a maximum of 5 events per month) on Tuesday-Saturday up until 23:30 hours at Café 1809, 152 -154 Tonbridge Road, Hildenborough.

RESOLVED: That temporary planning permission of 12 months be granted in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Amended Conditions:

2. With the exception of pre-booked events and functions, the premises shall be operated fully in accordance with plan number 13/1779/100 C and Supporting Statement prepared by MKA Architects received on 08 November 2013 approved under planning reference TM/13/02727/FL unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety

5. With the exception of pre-booked events and functions, no activities in connection with the business shall be carried on outside the hours of 0730 to 2000 Monday to Saturday and 1000 to 1600 on Sunday unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

12. No waste shall be emptied from the premises into external bins outside the hours of 0800 and 1800 on any day.

Reason: To protect the aural environment of nearby dwellings and in the interests of residential amenity.

17. The applicant shall notify the Local Planning Authority in writing 5 calendar days prior to all pre-booked events taking place as to the nature, type, date and duration of any pre-booked private function event, unless otherwise agreed by the Local Planning Authority.

Reason: To allow the monitoring of pre-booked events and functions in order to safeguard the amenities of neighbouring occupiers.

(2) Amended Informative:

2. When taking bookings for private function events, the applicant is asked to provide parking information to booking customers specifying that no dedicated parking is available at the premises, and setting out local parking facilities nearby, including the public car parks located in Riding Lane – this should accord with the Travel Plan details to be approved under Condition 9.

(3) Additional Informative:

3. The applicant is strongly encouraged to explore alternative options for car parking for staff and customers within the locality during the 12 month trial period hereby permitted.

[Speakers: Hildenborough Parish Council – Mrs Margaret Coles; Mrs Emma Keenan, Mr Andrew Page, Kelly Wheble (written statement read out by Mr Andrew Page), Mrs Sylvia Beevis and Mr Cox – members of the public; and Mr Tom Ogden- agent]

AP1 16/24 (A) TM/16/00819/FL; (B) TM/16/00821/FL; (C) TM/16/00822/FL; (D) TM/16/00820/FL AND (E) TM/16/00818/FL - B&Q, CANNON LANE, TONBRIDGE

(A) External alterations and alterations to forecourt to provide pedestrian route to Cannon Lane; (B) Extension to rear of building; (C) Insertion of Mezzanine Floors; (D) New unit to accommodate an A3 occupier; and (E) Variation of condition 1 of planning permission TM/98/01517/FL to extend the range of the goods that can be sold from the unit at B and Q, Cannon Lane, Tonbridge.

RESOLVED: That application (A) (TM/16/00819/FL) be GRANTED planning permission in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health

RESOLVED: That application (B) (TM/16/00821/FL) be GRANTED planning permission in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Additional Condition:

6. The deliveries in the retail units shall only be undertaken in accordance with the details shown on the plan no.T236_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity.

RESOLVED: That application (C) (TM/16/00822/FL) be GRANTED planning permission in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health

RESOLVED: That application (D) (TM/16/00820/FL) be GRANTED planning permission in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Additional Conditions:

8. The deliveries on the retail unit shall only be undertaken in accordance with the details shown on the plan no.T236_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity

9. No external lighting shall be installed on the building hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

RESOLVED: That application (E) (TM/16/00818/FL) be GRANTED planning permission in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Amended Conditions:

1. The use of the retail warehousing hereby approved shall be limited to the retail sales of DIY home and garden products, hardware, self-assembly or pre-assembled furniture, household furnishings, floor coverings, electrical goods, motor accessories and motor vehicles, office equipment and supplies, bicycles, pets, pet food and drink and pet products, camping equipment and computer equipment.

Unit 1C shown edged green on plan shall additionally be permitted to be used for the sale of tents, camping and caravanning equipment and accessories, outdoor pursuit equipment and accessories and an associated ancillary outdoor clothing and footwear range equating to not more than 20 % of the net retail floorspace of Unit 1C.

Unit 1D shown edged purple on plan shall additionally be permitted to be used for variety retailing including the retail sale of food and drink goods from an area not exceeding 30% of the net retail floorspace of Unit 1D, and otherwise shall be used for the sale of non-food comparison goods.

It shall not be used for the principal purpose of the sale and display of clothing and footwear.

Reason: The site is located outside an area where general retailing would be permitted

4. No development shall take place until details of a site management plan, setting out arrangements for delivery management, the co-ordination of deliveries to and the removal of waste from all the new retail units, have been submitted to and approved by the Local Planning Authority, and the approved plan shall be adhered to by all occupiers of the building in perpetuity. The site management plan shall also include specific details of which party(s) is/are responsible for opening and closing the barrier at the entrance of the site and what times of the day it is to be opened and closed to facilitate the effective management of deliveries and waste removal from the site.

Reason: In the interests of residential amenity and highway safety.

(2) Additional Conditions:

6. No public address systems shall be installed or operated outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

7. No external lighting shall be installed on the building or within the service yard or car park, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

8. The deliveries on the retail unit shall only be undertaken in accordance with the details shown on the plan no.T236_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no mezzanine floors shall be installed within the building other than those approved under ref. TM/16/00822/FL unless planning permission has been granted on the application relating thereto.

Reason: The site is located outside an area where general retailing would normally be permitted.

10. The building shall not be subdivided to provide individual units of less than 500 square metres in area.

Reason: The site is located outside an area where general retailing would normally be permitted.

11. Prior to the first occupation of the retail store selling the wider range of goods permitted as part of condition 1, details of a shopping trolley management plan shall be submitted to and approved by the Local Planning Authority, and thereafter the approved plan shall be adhered to by all occupiers of the building in perpetuity. The shopping trolley management plan shall include measures aimed at ensuring that shopping trolleys remain within the retail site for customers.

Reason: In the interests of residential and visual amenity.

In accordance with Council Procedure Rule No. 8.6 (Part 4 of the Constitution) Councillor V Branson requested that it be recorded that she voted against the recommendation for approval.

[Speakers: Mr O Fahmy, Mr Mark Ansell, Mr David Warwick and Mrs Hillary Dubrow – members of the public; and Mr Julian Stephenson – agent]

AP1 16/25 TM/16/02521/FL - 36-36A DRY HILL PARK ROAD, TONBRIDGE

Change of use from C3 to D1 to provide classrooms and new staff facilities at 36 - 36A Dry Hill Park Road, Tonbridge.

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

- (1) The proposed change of use of the residential dwellings and their associated curtilages to a D1 use in connection with a school would result in unacceptable increase in the levels of noise and disturbance in close proximity to neighbouring residential properties, harming residential amenity contrary to paragraph 123 of the NPPF, Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

[Speakers: Mrs Lisa Gibbard, Mr Steven Johnston, Petra Sluka, Mr Ian Gibbard, Mrs Cheryl Farrar, Mrs Tessa Shepherd, Mr Mark Farrar and Mr David Mote – members of the public]

**AP1 16/26 ALLEGED UNAUTHORISED DEVELOPMENT 16/00151/WORKM -
44C DRY HILL PARK ROAD, TONBRIDGE**

The Director of Planning, Housing and Environmental Health reported an unauthorised siting of a large metal storage container to the front of 44 Dry Hill Park Road, Tonbridge.

As the container was neither of an appropriate design nor of appropriate materials given the site's location within the Tonbridge Conservation Area it was considered to be detrimental to the character and appearance of the locality. It was therefore contrary to Policy CP24 of the TMBCS and Policy SQ1 of the MDE DPD.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the authorised storage container, the detailed wording of which to be agreed with the Director of Central Services.

AP1 16/27 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 11.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 1st November, 2016

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 1st November, 2016

Present: His Worship the Mayor (Councillor M R Rhodes), the Deputy Mayor (Councillor R W Dalton), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr Mrs S M Hall, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr D Keeley, Cllr Mrs F A Kemp, 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 L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, 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 Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors Mrs P A Bates, S M Hammond, S R J Jessel and S M King

PART 1 - PUBLIC

C 16/62 MINUTE SILENCE

The Council observed a minute's silence in memory of Councillor Jean Atkinson and Honorary Alderman Anne Moloney who had died earlier in October.

C 16/63 DECLARATIONS OF INTEREST

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

C 16/64 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 12 July 2016 be approved as a correct record and signed by the Mayor.

C 16/65 MAYOR'S ANNOUNCEMENTS

The Mayor was presented with a copy of the Bible by Mr Peter Turner of Gideons International.

The Council was advised of a range of events attended by the Mayor since the last meeting. Particular reference was made to the Tigers Acrobatic Gymnastics Display at Hillview School and the team's subsequent winning of the national competition; Kings Hill Rotary Club's Ciderfest and visit to the Air Station Control Tower; the Heart of Kent Hospice's opening of the new Monckton Education Centre; and the Young Cricket Leaders presentation at Lords Cricket Ground. The Mayor had also visited Royal British Legion Industries, attended charity concerts and judged competitions. He referred to his Garden Party, Civic Service, tour of Tonbridge Castle and afternoon tea at the Bakehouse and successful Quiz. He indicated that some further events for his charities were being organised.

C 16/66 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 16/67 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 16/68 LEADER'S ANNOUNCEMENTS

The Leader began by paying tribute to Jean Atkinson and Anne Moloney who had died within the space of two days earlier in October having fought long term illness. He said that both were great friends of many Members past and present including himself. Both were real champions for the communities they served, hardworking and dedicated to helping all who sought their assistance. They would be sorely missed by all.

The Leader referred to the Savings and Transformation Strategy which sat alongside the Medium Term Financial Strategy. Its purpose was to provide structure, focus and direction in addressing the significant financial challenge lying ahead and, in so doing, recognised that there was no one simple solution and the Council would need to adopt a number of ways to deliver the savings within an agreed timetable. Members were reminded that when the budget was set in February 2016 the projected funding gap was £1.825m with a savings target in 2016/17 of £625,000. The Leader indicated that the Council was making good progress towards meeting the savings target for this year. He was also pleased to advise that the latest audit letter from Grant Thornton was

extremely complimentary about the financial approach of the authority. Two key passages worthy of note were:

In respect of value for money, as they had in many previous years, the auditors were “satisfied that the Council put in place proper arrangements to ensure economy, efficiency and effectiveness in its use of resources”; and commenting on the savings challenge, they observed “the Council continues to address this gap in a structured way.”

Maintaining the financial theme, the Leader said that the Chancellor’s Autumn Statement on 23 November promised to be a significant one for the future of public finances. It would also confirm the outcome of the bids made to the Local Growth Fund from across the country. Significant for the authority and its communities were two bids, one for improvements to the Leigh Flood Storage Area and a second at East Malling Research. Working closely with the Environment Agency and Kent County Council, the Borough Council had taken the lead in developing a strong bid for the Leigh Flood Storage Area (including Hildenborough) and an East Peckham Flood Alleviation Scheme. Just over £4.5m had been requested from this fund to increase the capacity of the flood defences, not only protecting existing homes and businesses, but also unlocking new sites for new homes and jobs.

The Council had also supported NIAB East Malling Research in a £6m submission for the creation of a biotech hub at East Malling. The Leader commented that the need for R&D and new product development continued to accelerate. Downward pressure on margins from retailers, increased costs of labour, withdrawal of chemical defences and international competition all required improved productivity together with an increased focus on food security and health. The potential for fresh fruit, bio-tech and engineering products to contribute to GVA and export growth represented a very real opportunity. In all these areas NIAB East Malling Research was the key catalyst and provided capability for the industry to seize the opportunity for significant economic growth through product and market innovation. The Leader expressed pride in having such innovation in the Borough.

He was also pleased to report that from the 41 projects put forward by SELEP for Local Growth Fund 3 funding across Kent, Essex and East Sussex, the Leigh Flood Storage Area improvements were ranked 9th. Whilst investment in NIAB/EMR had been ranked 33rd, lobbying of Ministers via the local MPs was continuing in recognition that the economic benefits of further investment at East Malling would be felt both within Kent and well beyond.

The Leader referred to the Council becoming the first authority in Kent, and only the second in the country, to launch an online lottery for good causes in September. This innovative project (operating under the name of Hive Lotto) allowed supporters of charities and other community organisations to play the lottery in support of their favourite good causes with 50 pence of every £1 ticket going directly to their chosen cause.

The Leader was delighted with the response to the launch of Hive, with over 25 good causes now approved as members of the Hive community. These included a number of sporting clubs, schools and organisations providing mental health, disability and homelessness support services. He encouraged all good causes to join in this exciting new venture.

Referring to the Council's current public consultation on the new Local Plan, which would influence important decisions to be made about planning across the Borough for the next 15 years and beyond, the Leader indicated that it was not surprising that this had caused many communities to be concerned. It was inevitable that with the pressures on the Council in addressing the need for new homes and jobs and the challenges of securing new infrastructure, the choices would be difficult ones.

The Council's approach to its Local Plan sought to find a way through this situation and in so doing the Leader was pleased that it had been possible to include many in the consultation process which had been promoted widely in all forms of media, through local exhibitions and with the assistance of Parish Councils. The closing date for comment was 25 November and local residents and business were encouraged to make known their views. The Leader complimented Ian Bailey, Planning Policy Manager, and his team for the effort and skill they had shown in their work and in their endeavours to explain what could be a complicated process.

The Leader drew attention to the Quest quality scheme for the sport and leisure industry. Over 650 UK leisure facilities were currently registered with the scheme which was owned and endorsed by Sport England. He indicated that the facilities owned by TMBC had been engaged in Quest since the late 1990s and had a proud record of recognition and 'Excellent' ratings under the scheme. A relatively new product, Quest Stretch, offered facilities already deemed Excellent the opportunity to be rated 'Outstanding' and the Leader was delighted to announce that the team at Larkfield Leisure Centre had been successful in securing the rating of Outstanding. In the context of the 650 plus sites registered, only 12 had achieved this accolade and Larkfield Leisure Centre joined Tonbridge Swimming Pool as part of this small group of Outstanding ranked sites in the UK. This success was validation of the commitment of the Council, and leadership of the Cabinet Member for Community Services and senior officers, to leisure and the ongoing partnership with the Tonbridge & Malling Leisure Trust.

Members were advised that for the fifth year running, the Borough Council had been awarded the Community Animal Welfare Footprints Gold Award for Stray Dog Services from the Royal Society for the Protection of Animals. The Gold Award placed the Council in the top 15% of local authorities nationally for achieving high standards when dealing with stray dogs. The award not only reflected the Council's commitment to dog welfare over and above the statutory requirements,

but also recognised the personal and professional commitment and dedication of the dog Warden, Lorraine Baseden, and the Leader offered congratulations and thanks to her.

As Remembrance Sunday approached, the Leader indicated that the Borough Council would be represented at a number of Remembrance services throughout the Borough, the Mayor attending those at Tonbridge and West Malling, the Deputy Mayor at Kings Hill and Councillor Lettington at Snodland. The Chief Executive and Leader would be at Tonbridge and both were attending a service at the Garden of Honour at the RBLI Village in the afternoon and also on Armistice Day itself.

C 16/69 CONSULTATIONS: FAIRER CHARGING IN TONBRIDGE AND MALLING; AND CESSATION OF COUNCIL TAX REDUCTION SCHEME GRANT TO PARISH COUNCILS

Item CB 16/60 referred from extraordinary Cabinet minutes of 28 July 2016

RESOLVED: That the recommendations at Minute CB 16/60 be approved.

[In accordance with Council and Committee Procedure Rule 8.6, Councillors J Botten and B Elks requested that their vote against the motion be recorded.]

C 16/70 FLOODING UPDATE: TONBRIDGE, HILDENBOROUGH AND EAST PECKHAM

Item CB 16/64 referred from extraordinary Cabinet minutes of 6 September 2016

RESOLVED: That the recommendations at Minute CB 16/64 be approved.

C 16/71 CORPORATE STRATEGY

Item CB 16/74 referred from Cabinet minutes of 12 October 2016

RESOLVED: That the recommendations at Minute CB 16/74 be approved.

C 16/72 SPECIAL EXPENSES SCHEME POLICY ('FAIRER CHARGING') AND UPDATED FINANCIAL DATA

Item CB 16/75 referred from Cabinet minutes of 12 October 2016

RESOLVED: That the recommendations at Minute CB 16/75 be approved.

C 16/73 REVIEW OF THE COUNCIL'S LOCAL COUNCIL TAX REDUCTION SCHEME

Item CB 16/76 referred from Cabinet minutes of 12 October 2016

Copies of the full Council Tax Reduction Scheme and Exceptional Hardship Policy were circulated in advance of the meeting.

RESOLVED: That the recommendations at Minute CB 16/76, the full Council Tax Reduction Scheme and Exceptional Hardship Policy be approved.

C 16/74 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW 2016/17

Item CB 16/77 referred from Cabinet minutes of 12 October 2016

RESOLVED: That the recommendations at Minute CB 16/77 be approved.

C 16/75 REVIEW OF HOUSING ASSISTANCE POLICY

Item CB 16/78 referred from Cabinet minutes of 12 October 2016

RESOLVED: That the recommendations at Minute CB 16/78 be approved.

C 16/76 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 7.56 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 9th November, 2016

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw and Cllr Miss S O Shrubsole

Councillors O C Baldock, N J Heslop and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S M Barker and L J O'Toole

PART 1 - PUBLIC

AP2 16/64 DECLARATIONS OF INTEREST

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

For reasons of transparency Councillor Balfour reminded the Committee that he was the Cabinet Member for Environment and Transport at Kent County Council. As this did not represent either an Other Significant Interest or Disclosable Pecuniary Interest there was no requirement to leave the meeting.

AP2 16/65 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 28 September 2016 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 1, PART 3 OF THE CONSTITUTION

AP2 16/66 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice

had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP2 16/67 TM/15/03051/FL - ST GEORGES COURT, WEST STREET, WROTHAM

Demolition of the existing housing to be replaced with new residential flats and houses, with associated ancillary buildings, parking and amenity space: 5 apartment blocks 2-3 storeys in height consisting of 9 X 1 bed and 43 X 2 bed units; 6 X 2 bed houses and 2 X 3 bed houses with private garden amenity space at St Georges Court, West Street, Wrotham.

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

- (1) The proposed redevelopment within a rural settlement does not comply with policy CP13 of the Tonbridge and Malling Borough Core Strategy 2007 and there are insufficient material considerations to justify the setting aside of that policy.
- (2) The proposed footprint, scale, bulk and massing of the new building results in an overbearing appearance which is also out of character with the street scene. The proposal is therefore contrary to Policy CP24 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

[Speakers: Wrotham Parish Council (Mr H Rayner); Mr P Gillin (on behalf of CPRE), Mr P Parkinson; Mr B Bell (on behalf of Courtyard Gardens residents) and Mr P Hicks – agent]

AP2 16/68 TM/16/01600/FL - THE OLD STABLE BUILDING, OLD PARSONAGE COURT, WEST MALLING

The application was WITHDRAWN from the agenda pending arrangements for a Members' Site Inspection.

AP2 16/69 TM/16/02153/FL - PLOWENDERS CLOSE, ADDINGTON

The application for 6 bungalows was WITHDRAWN.

Planning permission had subsequently been granted for a scheme for 5 bungalows under application TM/16/02153/FL, which was determined under delegated powers by the Director of Planning, Housing and Environmental Health

AP2 16/70 TM/15/03865/FL - GREAT OAKS HOUSE, PUTTENDEN ROAD, SHIPBOURNE

The application was WITHDRAWN from the agenda at the start of the meeting due to a technical error, which had resulted in all information that would help the Committee reach an informed decision not being available.

AP2 16/71 TM/16/02512/FL - BRIONNE, THE STREET, RYARSH

Members were advised that due to a technical error those who had made representations during the course of this application were not notified that it was to be reported to this Planning Committee. As a result sufficient time would not have been afforded to those wanting to attend or address the Committee.

The application was WITHDRAWN from the agenda

AP2 16/72 TM/15/03084/FL - PHASE 4, PLATT INDUSTRIAL ESTATE, MAIDSTONE ROAD, PLATT

Erection of an industrial building comprising 3 no. light industrial units, with associated vehicle access and parking at Phase 4, Platt Industrial Estate, Maidstone Road, Platt.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

(1) Additional Condition:

27. Prior to the commencement of development, a strategy and timetable for all measures to improve both the safety and the environmental conditions of the access road shall be submitted to and approved by the Local Planning Authority. The strategy shall be implemented as approved.

Reason: In the interest of safety and amenity pursuant to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

(2) Additional Informative:

11. The strategy pursuant to condition 27 will need to be drawn up in liaison with Kent County Council (Highways and Transportation) and the Environmental Protection Team of Tonbridge and Malling Borough Council and will be expected to have examined issues such as (i) traffic visibility mirror on the junction; (ii) acoustic fencing; (iii) clearing of roadways (iv) HGVs idling within the site.

[Speakers: Platt Parish Council (Mrs P Darby); Mr R Hook; Ms K Craigie;
Ms P Dakin – members of public]

AP2 16/73 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 29th November, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates (Vice-Chairman), Cllr O C Baldock, Cllr Mrs S M Barker, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr S M King, Cllr H S Rogers, Cllr R V Roud, Cllr A K Sullivan and Cllr F G Tombolis

Councillor N J Heslop was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base, B T M Elks, Mrs F A Kemp and M Taylor

PART 1 - PUBLIC

LA 16/90 DECLARATIONS OF INTEREST

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

LA 16/91 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 10 October 2016 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 16/92 DELEGATION OF FILM CLASSIFICATION

The Committee was reminded that all films for public exhibition on licensed premises must be classified by either the British Board of Film Classification (BBFC) or the Licensing Authority under powers contained in the Licensing Act 2003 and the report set out details of a proposal to delegate authority for the classification of films from the Licensing Committee to the Director of Central Services and Monitoring Officer.

RECOMMENDED: That the Director of Central Services be granted the authority to classify films. ◀

LA 16/93 POLICY STATEMENT - DISCLOSURE AND BARRING SERVICE

The report of the Director of Central Services and Monitoring Officer set out details of the arrangements required for the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information received from the Disclosure and Barring Service (DBS) in

respect of applications for Hackney Carriage, Private Hire and Dual Driver's Licences.

RECOMMENDED: That the Licensing DBS Policy Statement for Tonbridge and Malling Borough Council in respect to Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information, as set out at Annex 1 to the report, be approved by the Council.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/94 REVIEW OF FEES AND CHARGES 2017/18 - LICENSING FEES

The report of the Director of Central Services and Monitoring Officer set out details of the proposed scale of fees and charges for 2017/18 in respect of Hackney Carriage and Private Hire Licences, Pleasure Boats and Boatmen, Scrap Metal Dealers, Animal Welfare Licences, Street Trading Consents, Sex Establishments, Acupuncture, Tattooing, Ear Piercing and Electrolysis and Hypnotism.

RESOLVED: That the proposed scale of fees for licences, consents and registrations, as set out in Annex 1 to the report, be adopted with effect from 1 April 2017.

MATTERS SUBMITTED FOR INFORMATION

LA 16/95 LICENSING OVERVIEW

The Licensing and Community Safety Manager provided a verbal update on recent activity within the Licensing and Community Safety services which included the outcome of a recent Appeal to the Magistrates Court against the revocation of private hire driver's licence; the consultation process to be undertaken following the receipt of a request for a fare increase and the production of a Consolidated Order for the Regulation of Taxi Stands in Tonbridge. The Committee congratulated Mr Terry Hill of Castle Cars on winning two national awards.

MATTERS FOR CONSIDERATION IN PRIVATE

PART 2 - PRIVATE

LA 16/96 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.26 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 1st December, 2016

Present: Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr P F Bolt, Cllr M O Davis, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr M R Rhodes, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr C P Smith and Cllr Ms S V Spence

Apologies for absence were received from Councillors Mrs P A Bates, J L Botten, D J Cure, Mrs M F Heslop, N J Heslop and F G Tombolis

PART 1 - PUBLIC

AP1 16/28 DECLARATIONS OF INTEREST

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

AP1 16/29 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 27 October 2016 be approved as a correct record and signed by the Chairman subject to the inclusion of a note under Minute AP1 16/23 in relation to application TM/16/01169/FL (Café 1809, 152-154 Tonbridge Road, Hildenborough) that Kent Highway Services had advised that a 'Parking Beat' survey could be undertaken to assess the levels of parking stress in the locality, both during a typical non-private function event and a permitted private function event, and this was acknowledged as a useful tool in providing an accurate assessment of the levels of public parking availability in the locality during a typical evening and during private function events.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP1 16/30 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the prerequisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting. Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown

below.

AP1 16/31 TM/16/02306/FL - 13 CROMER STREET, TONBRIDGE

Ground floor extension to existing rear two storey out-building and internal refurbishment works to storage, garage and workshop/studio spaces at 13 Cromer Street, Tonbridge.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

(1) Amendment to Conditions:

3. The extended outbuilding shall not be used for any other purpose than the accommodation of private vehicles or for a purpose incidental to the enjoyment of the related dwelling house and no trade or business shall be carried on therefrom.

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.

5. The use of the extended outbuilding hereby permitted shall be occupied and used only in connection with the original dwelling house known as 13 Cromer Street, Tonbridge and shall not be used, let or sold at any time as a separate unit of living accommodation or used for any commercial purpose.

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

[Speaker: Mr John McCormack – member of the public and Mr Ewan Taylor - applicant]

AP1 16/32 TM/16/03008/FL - 49 BRINDLES FIELD, TONBRIDGE

Proposed two storey side extension with integral garage, canopy porch, and internal alterations at 49 Brindles Field, Tonbridge.

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

(1) The proposed two storey side extension, by virtue of its size, bulk and proximity to the northern boundary when combined with the constrained nature of the plot and limited size of the neighbouring gardens, would result in a dominant and overbearing form of development which would in turn be harmful to the residential amenities of the occupiers of 10 and 12 West Rise, Tonbridge. The proposed development is therefore contrary to Policy CP24 of the Tonbridge and Malling Core Strategy 2007, Policy SQ1 of the

Managing Development and the Environment Development Plan Document 2010 and the core principles of the National Planning Policy Framework 2012 (paragraphs 17, 58 and 64).

[Speakers: Mr Paul Rogers and Mr Gary Gammer – members of the public]

AP1 16/33 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 14th December, 2016

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson, M A C Balfour, Cllr Mrs S M Barker, Cllr R P Betts, Cllr Mrs S L Luck, Cllr B J Luker, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers and Cllr Miss S O Shrubsole

Councillor M Taylor was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S R J Jessel (Vice-Chairman), M A Coffin, P J Montague, Miss J L Sergison and T B Shaw

PART 1 - PUBLIC

AP2 16/74 DECLARATIONS OF INTEREST

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

However, for reasons of transparency and to avoid the appearance of pre-determination and bias in the Committee's decision making the Chairman advised that after making a short statement she would withdraw from the meeting for application TM/16/00990/FL (Downsview, 8 Green Lane, Trottiscliffe) and would take no part in the discussion.

In the absence of the Vice-Chairman (Councillor S Jessel), who had submitted apologies, the Chairman proposed that Councillor H Rogers act as Chairman during this debate. This was seconded by Councillor Mrs Anderson and it was

RESOLVED: That Councillor H Rogers be Acting Chairman for application number TM/16/00990/FL

For reasons of transparency:

- Councillor Balfour reminded the Committee that he was the Cabinet Member for Environment and Transport at Kent County Council. As this did not represent either an Other Significant Interest or Disclosable Pecuniary Interest there was no requirement to leave the meeting.
- Councillor S Perry advised the Committee that the applicant of TM/15/03865/FL (Great Oaks House, Puttenden Road,

Shipbourne) was known to him in their role of parish councillor. The relationship was not close enough to constitute an Other Significant Interest.

[Subsequent to this agenda item and during the discussion for application TM/16/02518 (Development site between 10 and 70 Churchill Square, Kings Hill) Councillor Balfour became aware of a potential interest on the grounds that Kent County Council co-owned the site. Although this was not deemed significant enough to constitute an Other Significant Interest or Disclosable Pecuniary Interest, Councillor Balfour did not participate in the debate or vote on the application. However, he remained in the meeting to hear the discussion]

AP2 16/75 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 9 November 2016 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 1, PART 3 OF THE CONSTITUTION

AP2 16/76 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the prerequisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP2 16/77 TM/16/01600/FL - THE OLD STABLE BUILDING, OLD PARSONAGE COURT, WEST MALLING

Two storey side extension at The Old Stable Building, Old Parsonage Court, West Malling

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

- (1) The proposed extension by reasons of its bulk and siting will be overbearing to neighbouring property and thus detrimental to residential amenities. It is thereby contrary to Policy CP24 of the

Tonbridge and Malling Borough Core Strategy 2007 and saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998.

[Speakers: West Malling Parish Council (Mr R Selkirk); Mr N Candlish (on behalf of Ms N Cook) and Ms P Wilkinson – members of the public and Mrs S Taylor – applicant]

AP2 16/78 TM/15/03865/FL - GREAT OAKS HOUSE, PUTTENDEN ROAD, SHIPBOURNE

Demolition of existing stable block and hay barn buildings and construction of a 3 bedroom dwelling house at Great Oaks House, Puttenden Road, Shipbourne

Members were asked to disregard paragraph 4.11 of the report as this had been included in error and conflicted with information set out in paragraph 4.10.

After careful consideration of the material planning considerations and the policy position in respect of the open countryside it was

RESOLVED: That planning permission be REFUSED for the reasons set out in the report of the Director of Planning, Housing and Environmental Health and repeated below:

- (1) The development proposes rebuilding the existing stable block and hay barn. The proposal is not the form of development that is normally permitted in the countryside as listed in Policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy DC2 of the Managing Development and Environment DPD 2010, and no material considerations exist that justify setting aside that provision.

[Speakers: Mr N Ward; Ms V Packer, Ms K Symonds – members of the public and Mrs E Cohen – applicant]

AP2 16/79 TM/16/01859/FL - LONG POND WORKS, WROTHAM ROAD, BOROUGH GREEN

Demolition of four industrial buildings and construction of a replacement industrial unit and a flexible change of use within Use Classes B1, B2 and B8 as well as use by Robert Body Haulage for parking and maintenance of vehicles and office use as an administrative base at Long Pond Works, Wrotham Road, Borough Green

RESOLVED: That planning permission be DEFERRED for Officers to advise on possible Very Special Circumstances and suggested conditions in the event that Members were minded to permit the application.

[Speaker: Mr J Collins – agent]

AP2 16/80 TM/16/02512/FL - BRIONNE, THE STREET, RYARSH

Demolition of existing dwelling and erection of three detached bungalows; creation of new vehicular access and provision of access drive, landscaping and other ancillary works at Brionne, The Street, Ryarsh

RESOLVED: That planning permission be REFUSED for the following reason(s):

- (1) The proposal by reason of the scale and bulk is over development and detrimental to the character and appearance of the adjacent Conservation Area and the visual amenities of the locality. It is thereby contrary to s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 17, 57, 58, 61, 131, 132 and 133 of the National Planning Policy Framework 2012, policies CP1, CP13, CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2012

[Speakers: Mrs N Stouppa-Moss, Mr J Steel, Mr Highstead – members of the public and Mr J Chapman – agent]

AP2 16/81 TM/16/00990/FL - LAND ADJACENT TO DOWNSVIEW, 8 GREEN LANE, TROTTISCLIFFE, WEST MALLING

Erect a new detached dwelling house at land adjacent to Downsview, 8 Green Lane, Trottiscliffe

RESOLVED: That planning permission be DEFERRED for verification of the accuracy of the submitted plan/documents, clarification on proposed drainage runs near to the protected trees and further consultation with the Parish Council thereafter.

[Speakers: Trottiscliffe Parish Council (Mr R Wallis – Chairman); Mrs P Wallis – member of the public and Mr K Wise – agent]

AP2 16/82 TM/16/02518/FL - DEVELOPMENT SITE BETWEEN 10 AND 70 CHURCHILL SQUARE, KINGS HILL

Two storey new office building with single storey reception pavilion and associated car parking and landscaping works and ancillary manager's flat at the Development site between 10 and 70 Churchill Square, Kings Hill

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

(1) Amended Condition:

3. No development shall take place until details of any joinery, eaves detailing and rainwater goods to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the setting of the adjacent listed buildings or the visual amenity of the locality.

(2) Additional Condition:

3. No development shall take place until a plan showing the finished floor and eaves levels of the building and finished ground levels within the site in relation to existing ground levels has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

[Speakers: Mrs S Davis – on behalf of Liberty Trust and Mr P Bowen – applicant]

AP2 16/83 ALLEGED UNAUTHORISED DEVELOPMENT - 15/00381/WORKM - OAK TREE STABLE, VIGO ROAD, FAIRSEAT

The Director of Planning, Housing and Environmental Health reported the unauthorised engineering operation to create an area of hardstanding on site without the necessary planning permission.

It was reported that the site was in the Green Belt and the proposed operation would not preserve the openness of the area and therefore amounted to inappropriate development. The case for 'very special circumstances' sufficient to outweigh the harm to the Green Belt had also not been demonstrated. Finally, the development was harmful to the character and visual amenity of the area and therefore was contrary to policies CP24 of the TMBCS and policy SQ1 of the MDE DPD.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised hardstanding and the land restored to its former condition, the detailed wording of which to be agreed with the Director of Central Services

AP2 16/84 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.25 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 15th December, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud
Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/97 DECLARATIONS OF INTEREST

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

LA 16/98 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/99 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 25/2016

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following receipt of information from the Disclosure and Barring Service (DBS) that the Applicant had received a Caution under S.1(2)(A)-S.2 of the Fraud Act 2006 on 17 January 2014 for making a False Representation on 4 September 2013.

The Panel listened carefully to the information provided by the Applicant and noted that he had declared the Caution on the questionnaire which accompanied his application. The Panel had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that Paragraph 12.2.4 of the Policy regarding the relevance of previous convictions stated that an application would normally be refused where an applicant had a conviction for an offence of Fraud if the conviction was less than 4 years prior to the date of the application;
- (4) with regard to Offences of Dishonesty, Paragraph 12.2.1 of the Policy stated that Drivers of hackney carriage and private hire vehicles were expected to be persons of trust; and
- (5) with regard to Offences of Dishonesty, Paragraph 12.2.2 of the Policy stated that members of the public entrusted themselves to the care of the drivers.

The Panel found that Tonbridge and Malling Borough Council had a clear policy in relation to previous convictions and cautions and that the Applicant had accepted a Caution for Dishonesty, which was an admission of guilt. While the Panel had listened carefully to the Applicant's explanation of the circumstances surrounding the Caution it saw no reason to depart from the Council's Policy and therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be REFUSED on the basis that the Applicant was not a fit and proper person to hold the licence.

The meeting ended at 10.17 am
having commenced at 9.30 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 15th December, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud
Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/100 DECLARATIONS OF INTEREST

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

LA 16/101 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/102 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 21/2016

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following receipt of information from the Disclosure and Barring Service (DBS) that the Applicant had received a Conviction under S.3 of the Sexual Offences Act 2003 on 3 July 2013 for Sexual Assault on 8 February 2013 and that an Appeal against the Conviction had been dismissed on 23 January 2014.

The Panel listened carefully to the information provided by the Applicant and noted that he had declared the Conviction on the questionnaire which accompanied his application. The Panel had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that Paragraph 12.5.1 of the Policy regarding the relevance of previous convictions stated that an application would normally be refused where an applicant had a conviction for an offence of Sexual Assault if the conviction was less than 10 years prior to the date of the application; and
- (4) with regard to Indecency Offences, Paragraph 12.5.1 of the Policy stated that as Drivers of hackney carriage and private hire vehicles often carry unaccompanied passengers, applicants with convictions for soliciting, importuning, indecent exposure or any sexual offence would normally be refused a licence until they can show a substantial period (usually between 5 and 10 years) free from any such conviction.

The Panel found that Tonbridge and Malling Borough Council had a clear policy in relation to previous convictions and that the Applicant had been convicted of Sexual Assault on 3 July 2013, which was within the five year period. While the Panel had listened carefully to the Applicant's explanation of the circumstances surrounding the Conviction it could not discount the fact that the conviction by a Magistrates Court was confirmed at the Crown Court. In addition the Panel had regard to the Speeding offences and disqualification in July 2013 and found that, in these circumstances, the Council's Policy required a period of 2 years from restoration of a Driving Licence before an application was likely to be successful. The Panel noted that, while this period had passed, the fact of the disqualification was still relevant to the determination of the Application. The Panel, therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be REFUSED on the basis that the Applicant was not a fit and proper person to hold the licence.

The meeting ended at 11.03 am
having commenced at 10.23 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 15th December, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud

Together with representatives from the Licensing Authority and the Licensed Driver

PART 1 - PUBLIC

LA 16/103 DECLARATIONS OF INTEREST

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

LA 16/104 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/105 REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – CASE NO 24/2016

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding a review of a Hackney Carriage Driver's Licence (Badge No 1521) following complaints by three drivers concerning an incident at the taxi stand, Waterloo Road, Tonbridge on the evening of 28 October 2016. The Panel was asked to determine whether the licence holder should still be considered a fit and proper person to hold a licence in light of the complaints received by the Licensing Authority. Copies of the Statements were set out in Annexes 2 to 5 of the report and an additional Written Statement by the licence holder was submitted to the hearing.

The Panel had regard to the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy and in particular to section 17.2.1(C) which required drivers to behave in a civil, orderly and responsible manner at all times; section 17.3(A) which required drivers to ensure that they were courteous at all times when talking to anyone, especially customers and section 17.5(B) which stated that the hackney carriage at the top of the rank would take the customer to any destination within the Borough regardless of how short the journey may be.

The Panel listened carefully to the information provided by the licence holder and concluded that there was a history of unacceptable behaviour between the Driver and a number of other drivers on the taxi rank. The Panel noted that, while it had received contradictory evidence from a number of people, it was apparent from the Driver's evidence that he had been involved in altercations and that this was a Breach of the Hackney Carriage and Private Hire Drivers' Code of Conduct. In light of the evidence heard by the Panel it

RESOLVED: That Hackney Carriage Driver (Badge No 1521) be issued with a written warning reminding him of the Code of Conduct and advising that this would remain on his file and may be taken into account in any future disciplinary action.

The meeting ended at 12.06 pm
having commenced at 11.18 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 15th December, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud
Together with the representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/106 DECLARATIONS OF INTEREST

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

LA 16/107 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/108 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 22/2016

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following receipt of information from the Driver Vehicle and Licensing Agency (DVLA) regarding points received for motoring offences. The Panel noted that the Applicant had declared only one of the offences listed on the DVLA report on the questionnaire which accompanied his application.

The Panel listened carefully to the information provided by the Applicant and accepted his explanation in relation to an allegation of ABH against him which he had disclosed on the questionnaire which accompanied the application. The Panel had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits; and
- (3) that Paragraph 12.7.2 of the Policy regarding DVLA Penalty Points stated that an application would normally be refused where the applicant had 6 or more penalty points on his DVLA licence.

The Panel found that Tonbridge and Malling Borough Council had a clear policy in relation to points accrued on Driving Licences and, in general, would require a period of 6 months after those points had expired before a licence would be granted. However, the Panel had regard to the fact that the period would expire at the end of December 2016 and that, while the convictions were recent, the offences had happened a number of years ago. The Panel, therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be APPROVED subject to the following conditions:-

- (1) the Driver provide the Licensing Team with an up to date Disclosure and Barring Service (DBS) check within one month of the date of this Hearing; and
- (2) that the Driver attend meetings with the Licensing Team every two months during the probationary period.

The meeting ended at 1.23 pm
having commenced at 12.25 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 15th December, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud

Together with representatives from the Licensing Authority and the applicant.

PART 1 - PUBLIC

LA 16/109 DECLARATIONS OF INTEREST

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

LA 16/110 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/111 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 26/2016

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following receipt of information from the Disclosure and Barring Service (DBS). The Panel was reminded that the Applicant had been convicted of an offence on 2 May 2011 under Common Law in respect of the perversion of the course of Public Justice and that a previous application for a Probationary Private Hire Driver's licence had been refused at a Hearing held on 6 April 2016.

The Panel listened carefully to the information provided by the Applicant's representative, had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that where an application for a licence had been refused (either a new application or a renewal), or revoked, a further application from the applicant/licence holder would not be considered for a period of two years from the date of refusal or revocation as the case may be (Paragraph 11.8.7);
- (4) with regard to Offences of Dishonesty, Paragraph 12.2.1 of the Policy stated that Drivers of hackney carriage and private hire vehicles were expected to be persons of trust; and
- (5) with regard to Offences of Dishonesty, Paragraph 12.2.2 of the Policy stated that members of the public entrusted themselves to the care of the drivers.

The Panel found that the starting point for its consideration was the Licensing Policy currently in force and that that Policy ordinarily suggested that repeat applications within a period of two years should be refused. In relation to Offences of Dishonesty, the Policy required that greater weight be given to the circumstances of the offence and evidence of good character after a period of 4 years. Having heard the submission made at the Hearing the Panel was satisfied that the Applicant was a fit and proper person to hold a probationary licence and, therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be GRANTED on the basis that the Applicant was a fit and proper person to hold the licence.

The meeting ended at 2.32 pm
having commenced at 1.49 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 15th December, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud
Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/112 DECLARATIONS OF INTEREST

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

LA 16/113 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/114 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 27/2016

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following receipt of information from the Disclosure and Barring Service (DBS) that the Applicant had received a Conviction under S.6(1) of the Bail Act 1976 on 5 May 2016 for Failing to Surrender to Custody at Appointed Time on 6 April 2016 for which he had a custodial sentence of two months.

The Panel listened carefully to the information provided by the Applicant regarding the reason why he had failed to surrender himself to custody and noted that he had not declared the conviction on the questionnaire which accompanied his application. The Panel had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence; and
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Conviction and stressed that failure to surrender to bail was an extremely serious matter. The Panel noted the extenuating circumstances put forward by the Applicant and took into account his long history as a taxi driver with no other convictions or cautions. The Panel, therefore

RESOLVED: That the Applicant be GRANTED a Probationary Private Hire Driver's Licence.

The meeting ended at 3.35 pm
having commenced at 2.43 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 15th December, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/115 DECLARATIONS OF INTEREST

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

LA 16/116 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/117 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 28/2016

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following receipt of information from the Disclosure and Barring Service (DBS) that the Applicant had been Convicted under the Fraud Act 2006 on 24 June 2014 for offences committed on 22 October 2010, 10 July 2012 and 23 July 2012 for which he had received a custodial sentence of 12 weeks.

The Panel listened carefully to the information provided by the Applicant and noted that he had declared the Conviction on the questionnaire which accompanied his application. The Panel was reminded that the Applicant had attended a Hearing Panel on 18 February 2015 where his application for a Probationary Private Hire Driver's Licence had been refused.

The Panel had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that Paragraph 12.2.4 of the Policy regarding the relevance of previous convictions stated that an application would normally be refused where an applicant had a conviction for an offence of Fraud if the conviction was less than 4 years prior to the date of the application. Between 4 and 5 years after conviction more weight would be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction;
- (4) with regard to Offences of Dishonesty, Paragraph 12.2.1 of the Policy stated that Drivers of hackney carriage and private hire vehicles were expected to be persons of trust; and
- (5) with regard to Offences of Dishonesty, Paragraph 12.2.2 of the Policy stated that members of the public entrusted themselves to the care of the drivers.

The Panel listened carefully to the Applicant's submission and had regard to the fact that it was 22 months since the previous application had been refused. The Panel found that the Council's Policy with regard to offences involving dishonesty, and specifically Benefit Fraud, required a period of 4 years from the date of conviction before an application was likely to be considered favourably. The Panel also noted that, in relation to repeat applications, an application would not normally be entertained until a period of 2 years had elapsed. The Panel had particular regard to the fact that the Applicant was able to continue to work for his employer under a People Carrying Vehicle (PCV) Licence and that this involved contact with the public and handling fares. However, the Panel took a particularly dim view of offences which defrauded the Public Purse, especially when they were sufficiently serious to attract custodial sentences. In all these circumstances the Panel, therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be REFUSED on the basis that the Applicant was not a fit and proper person to hold the licence.

The meeting ended at 4.37 pm
having commenced at 3.53 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 15th December, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/118 DECLARATIONS OF INTEREST

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

LA 16/119 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/120 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 23/2016

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be approved following receipt of information from the Driver and Vehicle Licence Agency (DVLA) and the Disclosure and Barring Service (DBS) that the Applicant had received a 14 day disqualification and fine following a Conviction on 20 October 2014 for being in charge of a motor vehicle while alcohol level was above limit on 27 December 2013.

The Panel was advised that the Applicant had failed to arrive prior to the start of the meeting or to respond to any attempts to contact him.

The Hearing took place in the Driver's absence and the Panel had regard to the report of the Director of Central Services and Monitoring Officer and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) with regard to Offences of Dishonesty, Paragraph 12.2.1 of the Policy stated that Drivers of hackney carriage and private hire vehicles were expected to be persons of trust; and
- (4) that Paragraph 12.11.1 stated that a serious view would be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. Where a disqualification had occurred as a result of a drink-driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant was granted a licence.

The Panel had particular regard to the Policy regarding excess alcohol and that, in the absence of the Applicant, no circumstances had been put forward in writing to attempt to explain or mitigate the offence. The Panel, therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be REFUSED.

The meeting ended at 4.59 pm
having commenced at 4.50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 5th January, 2017

Present: Cllr M Parry-Waller (Chairman), Cllr Mrs S M Hall (Vice-Chairman), Cllr M C Base, Cllr Mrs S Bell, Cllr T Bishop, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr D Keeley, Cllr D Lettington, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr A K Sullivan, Cllr B W Walker and Cllr T C Walker

Councillors N J Heslop and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs B A Brown, S M King and D Markham

PART 1 - PUBLIC

AP3 17/1 DECLARATIONS OF INTEREST

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

AP3 17/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 25 August 2016 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP3 17/3 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP3 17/4 TM/16/02919/FL - 53 NEW HYTHE LANE, LARKFIELD

Demolition of existing garages and erection of a pair of semi-detached bungalows, with associated parking at 53 New Hythe Lane, Larkfield

RESOLVED: That the application be APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health subject to:-

(1) Additional Conditions

10. No building shall be occupied until the area shown on drawing number 0301-01 00-101 as turning area has been provided, surfaced and drained. Thereafter it 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 or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

11. The bin storage areas shown on drawing number 0301-01 00-101 shall be provided prior to the first occupation of the dwellings hereby approved and shall be maintained and retained at all times thereafter.

Reason: In the interests of visual amenity and to ensure adequate turning facilities are retained within the site.

AP3 17/5 TM/16/03184/FL - 17 GORSE CRESCENT, DITTON

Extensions to create a first floor including front and rear dormer windows and associated works at 17 Gorse Crescent, Ditton

RESOLVED: That the application be REFUSED for the following reason:-

1. The proposed extensions, by virtue of their overall size, scale, bulk and massing, would result in a development that would appear overbearing and obtrusive, interrupting the scale and rhythm of the bungalows which form a visual group at this point along Gorse Crescent. As a result, the development would be harmful to the prevailing character of the street scene and visual amenities of the locality, contrary to Policy CP24 of the Tonbridge and Malling Core Strategy 2007, Policy SQ1 of the Managing Development and the Environment Development Plan Document 2010 and the core principles of the National Planning Policy Framework 2012 (paragraphs 17, 58 and 64)

[Speakers: Mr J Smith, Mr J Court, Mr C Fiddian and Mr P Huggett – members of the public; and Mr A Dawling – Applicant]

PART 2 - PRIVATE

AP3 17/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.56 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

JOINT STANDARDS COMMITTEE

Monday, 16th January, 2017

Present: Cllr Miss J L Sergison (Chairman), Cllr D A S Davis (Vice-Chairman), Cllr Mrs P A Bates, Cllr Mrs B A Brown, Cllr Mrs T Dean, Cllr P J Montague, Cllr C P Smith, Mrs P Darby (Platt), Mrs T Dawson (Borough Green), Mr D Elvy (Aylesford), Mrs P Garrett (Addington), Ms J Newman (Hadlow), Mr R Selkirk (West Malling) and Mr W E Stead (Burham)

Councillors Mrs J A Anderson, O C Baldock, Mrs S M Barker, P F Bolt, N J Heslop, B J Luker, D Markham, M Parry-Waller, S C Perry, M R Rhodes, R V Roud and A K Sullivan were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors D J Cure, Mrs S Bell and R P Betts; and from Ms D Alford-Smith (Snodland), Mr M Carboni (Plaxtol) and Mr P Crawford (East Peckham)

PART 1 - PUBLIC

ST 17/1 DECLARATIONS OF INTEREST

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

ST 17/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Joint Standards Committee held on 15 June 2016 be approved as a correct record and signed by the Chairman.

MATTERS SUBMITTED FOR INFORMATION

ST 17/3 UPDATE - CODE OF CONDUCT COMPLAINTS

The report of the Monitoring Officer provided an update on complaints received since June 2016.

RESOLVED: That the report be received and noted.

ST 17/4 CODE OF CONDUCT - REFRESHER TRAINING

The Committee received a presentation from the Director of Central Services and Monitoring Officer, which updated the training presented in July 2015 on the work of the Joint Standards Committee. An outline was

given of the standards regime, the requirements of the Code of Conduct and, in particular, the rules governing Disclosable Pecuniary Interests. Details were discussed of arrangements for the investigation of allegations within Tonbridge and Malling, the role of the Joint Standards Committee and operation of the Hearings Panel.

The Director of Central Services answered a number of questions raised at the meeting.

MATTERS FOR CONSIDERATION IN PRIVATE

ST 17/5 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 19th January, 2017

Present: Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs P A Bates, Cllr F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr M O Davis, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Ms S V Spence and Cllr F G Tombolis

Apologies for absence were received from Councillors Mrs M F Heslop, N J Heslop and Miss G E Thomas

PART 1 - PUBLIC

AP1 17/1 DECLARATIONS OF INTEREST

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

AP1 17/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 1 December 2016 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP1 17/3 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP1 17/4 TM/15/03345/FL - RAPHAEL MEDICAL CENTRE, COLDHARBOUR LANE, HILDENBOROUGH

Demolition of former school buildings (part of which are occupied by the Raphael Medical Centre for Class C2 care use and part of which are vacant) and redevelopment with a two storey building and basement to provide a 28 bedroom specialist care facility with landscaping and car parking at Raphael Medical Centre, Coldharbour Lane, Hildenborough.

The Chairman referred to the need for the applicant to advance a robust case of 'very special circumstances' to demonstrate a clearly evidenced case of need for the proposed new facility. Unfortunately, little additional information had been forthcoming and it was now necessary to determine the application based on the material submitted. The report of the Director of Planning, Housing and Environmental Health concluded that the proposal constituted inappropriate development within the Green Belt and that 'very special circumstances' had not been sufficiently advanced to support actual need.

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

- (1) The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in paragraphs 89 and 90 of the National Planning Policy Framework 2012. The proposed development comprises inappropriate development which is by definition harmful to the Metropolitan Green Belt. In addition, the materially larger scale of the proposed building (in terms of its increased height, floorspace and footprint) would cause substantial harm to the open characteristics of the site and the openness of the Green Belt in this location. No very special circumstances exist which would be sufficient to outweigh the degree of harm caused to the Metropolitan Green Belt. As such, the proposed development is contrary to the requirements of Section 9 of the National Planning Policy Framework 2012 and Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.
- (2) The site lies in open countryside, outside the rural settlement confines of Hildenborough where Tonbridge and Malling Borough Core Strategy 2007 Policy CP14 seeks to restrict new development to a limited number of instances. The proposed development does not meet any of these defined exceptions and therefore represents an inappropriate form of major development in the countryside, contrary to the requirements of this policy. There are no overriding material planning considerations which indicate that the provisions of Tonbridge and Malling Borough Core Strategy 2007 Policy CP14 should be set aside in this instance.

[Speakers: Rev Woodley-Jones – Hildenborough Parish Council; Mr P Osborne, Mr C Stimpson, Mr A Stephens and Mrs M Carlile – members of the public and Mr N Pople – on behalf of the applicant]

AP1 17/5 TM/16/02987/0A - LAND ADJOINING 11 URIDGE CRESCENT, TONBRIDGE

Outline Application: Detached 3 bedroom dwelling house (all matters reserved) at land adjoining 11 Uridge Crescent, Tonbridge.

RESOLVED: That outlined planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

AP1 17/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 23rd January, 2017

Present: Cllr V M C Branson (Chairman), Cllr M C Base (Vice-Chairman), Cllr T Bishop, Cllr S R J Jessel and Cllr S C Perry

Grant Thornton, External Auditors: Ms S Ironmonger (Engagement Lead) and Mr T Greenlee (Audit Manager)

Councillors O C Baldock, M A Coffin, D Markham, M R Rhodes and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T Edmondston-Low, B T M Elks, Mrs F A Kemp and B W Walker

PART 1 - PUBLIC

AU 17/1 DECLARATIONS OF INTEREST

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

AU 17/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 5 September 2016 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

AU 17/3 APPOINTMENT OF EXTERNAL AUDITORS

The report of the Director of Finance and Transformation referred to the decision of the Committee at Minute AU 16/18 to identify the opt-in to a sector led body as the preferred option for the appointment of external auditors when the transitional arrangements came to an end on 31 March 2018. Members were advised that the formal invitation to opt-in to the appointing person arrangements made by Public Sector Audit Appointments Limited (PSAA) was received on 27 October 2016 with a closing date of 9 March 2017. A copy of the PSAA prospectus and FAQs were annexed to the report.

RECOMMENDED: That the Council opts in to the appointing person arrangements made by Public Sector Audit Appointments for the appointment of external auditors.

AU 17/4 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2017/18

The report of the Director of Finance and Transformation provided details of investments undertaken and returns achieved in the first nine months of the current financial year together with an introduction to the Treasury Management and Annual Investment Strategy for 2017/18.

It was noted that investment income at the end of December was £22,900 above budget for the same period and was largely attributable to higher than expected cash flow and core balances at the start of the financial year and the opportunity this presented to place more investment in higher yielding term deposits. The pattern of income generation had changed significantly following the August Bank Rate cut which resulted in lower returns going forward. Nevertheless it was expected that income for the year as a whole would still be in line with the original budget.

Reference was made to a review of investment duration and additional flexibility, subject to appropriate safeguards, was sought. The report explored the use of property funds for long term investment and recommended their inclusion in the 2017/18 Annual Investment Strategy. Members gave careful consideration to the use of property funds and asked questions on various aspects of their operation and their income and capital performance.

RECOMMENDED: That

- (1) the treasury management position as at 31 December 2016 be noted;
- (2) the use of property funds for long term investment be endorsed;
- (3) subject to the caveats identified in paragraph 1.3.14 of the report, the Council allow up to six months to be added to Capita's suggested duration for UK institutions, subject to overall duration not exceeding 12 months; and
- (4) the Annual Investment Strategy for 2017/18, as set out at Annex 4 to the report, be adopted.

AU 17/5 RISK MANAGEMENT STRATEGY

The joint report of the Chief Executive and Director of Finance and Transformation presented an updated Risk Management Strategy which had been fully reviewed together with the Risk Management Guidance. Details were given of the main changes to the risk management process which involved identified risks falling in the "red zone" being subject to

“escalation” to the relevant service management team, corporate Management Team and subsequently Members as appropriate.

An informal briefing on the revised process would be held for members of the Audit Committee before the April meeting when an updated Corporate Risk Register, aligned with the recently approved Corporate Strategy, would be presented.

RECOMMENDED: That

- (1) the proposed change to the risk management process detailed at paragraph 1.2.2 of the report be endorsed; and
- (2) the Risk Management Strategy set out at Annex 1 to the report be commended for adoption by the Council.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AU 17/6 ANNUAL REVIEW OF ANTI-FRAUD POLICIES AND WHISTLEBLOWING POLICY

The report of the Director of Finance and Transformation gave details of the outcome of the annual review of the Council’s Anti-Fraud Policies and Whistleblowing Policy. It was noted that in each case no substantive changes were proposed. Members considered the policies presented in the annexes to the report and suggested that in the case of the Whistleblowing Policy, relevant contact details be included in section 8 for taking a matter further to organisations outside the Council.

RESOLVED: That

- (1) the Anti-Fraud Policies set out at Annexes 1, 2 and 3 to the report be approved; and
- (2) the Whistleblowing Policy set out at Annex 4 to the report, as amended with relevant contact details, be commended to the General Purposes Committee for endorsement.

AU 17/7 INTERNAL AUDIT CHARTER

The report of the Chief Audit Executive informed the Committee of the outcome of the review of the Internal Audit Charter and highlighted one minor amendment and that the document reflected the shared service arrangement with Kent County Council.

RESOLVED: That the Internal Audit Charter set out at Annex 1 to the report be noted and approved.

AU 17/8 ACCOUNTING POLICIES

Consideration was given to the report of the Director of Finance and Transformation which presented the Accounting Policies proposed for the 2016/17 Financial Statements. The report highlighted a proposed change to clarify the basis on which revenue was recognised in the financial statements as recommended by the external auditors following the audit of the 2015/16 Accounts.

RESOLVED: That the Accounting Policies set out at Annex 1 to the report be endorsed for use in the preparation of the 2016/17 Financial Statements.

AU 17/9 PROPOSED WORK PROGRAMME AND SCALES OF FEES 2017/18

The report of the Director of Finance and Transformation introduced the Work Programme and Scales of Fees for 2017/18 proposed by Public Sector Appointments Limited (PSAA) in respect of work undertaken by the Council's external auditors. It was noted that PSAA did not plan to make any changes to the overall work programme and proposed that the 2017/18 scale audit fees be set at the same level as those applicable in 2016/17. The indicative fee for certification work would be based on the final 2015/16 fee.

RESOLVED: That the 2017/18 Proposed Work Programme and Scales of Fees be noted and endorsed.

AU 17/10 INTERNAL AUDIT AND COUNTER FRAUD UPDATE

The report of the Chief Audit Executive gave an update on the work of the Internal Audit and Counter Fraud functions for the period April to December 2016. The Committee was advised of progress against the 2016/17 Internal Audit and Counter Fraud Plan. Concern was expressed about progress of the work of the Empty Homes Working Group identified in the audit of Empty Properties and a report back requested.

RESOLVED: That the report be received and noted subject to an update to the Communities and Housing Advisory Board by the lead service on Empty Properties as appropriate and a report on the outcome to the Audit Committee.

MATTERS SUBMITTED FOR INFORMATION**AU 17/11 LOCAL CODE OF CORPORATE GOVERNANCE**

The joint report of the Chief Executive and Director of Central Services provided an update on the changes required to the Local Code of Corporate Governance in accordance with the "Delivering Good Governance in Local Government Framework 2016". An internal

analysis had highlighted a number of areas where the current Code did not meet the requirements of the 2016 Framework, some of which related to the Council's Constitution which was proposed for review by the Overview and Scrutiny Committee. It was anticipated that a draft revised Local Code would be presented to the Audit Committee in April 2017.

RESOLVED: That the report be received and noted.

AU 17/12 GRANT THORNTON PAPER - ADVANCING CLOSURE

The report of the Director of Finance and Transformation referred to Regulations bringing forward the dates for local authority accounts to be ready for audit and the publication of audited accounts to 31 May and 31 July respectively with effect from the 2017/18 financial year. Details were given of a paper prepared by Grant Thornton to assist local authorities in improving their accounts closure procedures to comply with the new deadlines together with a good practice checklist. The report set out the implications of the earlier closure and publication for officers, auditors and the Audit Committee.

RESOLVED: That the report be received and noted.

AU 17/13 ANNUAL AUDIT LETTER

The report of the Director of Finance and Transformation advised the Committee of the receipt of the Annual Audit Letter summarising the main outcomes from the work carried out by the external auditors for the year ended 31 March 2016. The letter repeated the headline messages in the Audit Findings Report presented to the Committee in September 2016. These were that the Council's accounts were produced to a high standard, there continued to be a robust financial planning framework with a structured approach to addressing financial pressures and delivering planned savings.

Members welcomed the letter and congratulated all staff involved.

RESOLVED: That the report be received and noted.

AU 17/14 GRANT THORNTON - AUDIT COMMITTEE UPDATE

The report of the Director of Finance and Transformation introduced Grant Thornton's report on progress in delivering their responsibilities as the Council's external auditors and summarising a number of relevant national issues and developments.

Ms Ironmonger advised that this was Trevor Greenlee's last meeting as the Council's Audit Manager as he was moving to another authority in accordance with ethical standards. Mr Greenlee thanked members of the Committee and the Finance team for the positive relationship with

the Council. The Chairman expressed appreciation of Mr Greenlee's contribution over the years of her chairmanship and wished him well for the future.

RESOLVED: That the report be received and noted.

AU 17/15 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.34 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 24th January, 2017

Present: Cllr A K Sullivan (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr Ms S V Spence (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr T I B Cannon, Cllr R W Dalton, Cllr Mrs S M Hall, Cllr Mrs S L Luck, Cllr P J Montague, Cllr M Taylor, Cllr T C Walker and Mr D Still (Co-opted Member)

Councillors O C Baldock, M A Coffin, D A S Davis, N J Heslop, D Lettington, D Markham and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors P F Bolt, J L Botten, S R J Jessel, Mrs F A Kemp, F G Tombolis and Mr P J Drury (Co-opted Member)

PART 1 - PUBLIC

OS 17/1 DECLARATIONS OF INTEREST

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

OS 17/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 13 September 2016 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 17/3 REVENUE ESTIMATES 2017/18

The report of the Director of Finance and Transformation referred to the responsibility of the Cabinet under the Constitution for formulating initial draft proposals in respect of the Budget. Reference was made to the role of the Committee in assisting the Cabinet and the Council in preparation of the Budget.

Careful consideration was given to both the Revised Estimates for 2016/17 and the Estimates for 2017/18 within the context of the Medium Term Financial Strategy and the Council's priorities.

Attention was drawn to the key messages arising from the provisional local government settlement for 2017/18 announced by the Secretary of State for the Department for Communities and Local Government on 15 December 2016 and to the outcome of the consultation on New Homes Bonus (NHB). The report provided illustrative figures for the Government's projected allocation of grant under the New Homes Bonus scheme and it was noted that this represented a cash decrease of £1,291,456 or 33.6% by 2019/20 when compared to £3,847,880 in 2016/17. It was reported that the Total Grant Funding in 2019/20 was projected to be £3,855,735 which represented a cash decrease of £2,888,541 or 42.8% when compared to the equivalent figure of £6,744,276 in 2016/17.

RECOMMENDED: That

- (1) the draft Revenue Estimates contained in the Booklet be endorsed and commended to Cabinet; and
- (2) the Savings and Transformation Strategy be updated to reflect the latest projected 'funding gap' as part of the budget setting process.

OS 17/4 CAPITAL PLAN REVIEW 2016/17

Consideration was given to the report of the Director of Finance and Transformation which set out progress on the 2016/17 Capital Plan Review.

RECOMMENDED: That

- (1) the recommendations of the Finance, Innovation and Property Advisory Board held on 4 January 2017 be endorsed; and
- (2) the Capital Plan Strategy, as set out at Annex 5 to the report, be endorsed for adoption and publication on the Council's website.

**OS 17/5 CHRISTMAS LIGHTS AND HANGING BASKETS -
RECOMMENDATIONS OF SCRUTINY PANEL**

Members considered the recommendations arising from the Scrutiny Panel review of the Borough Council's current level of support for Christmas lighting displays in some parished areas and how Christmas lighting displays and High Street Flower displays were currently provided and funded in Tonbridge. The Review Panel had been advised of the instruction from Cabinet arising from the 'Fairer Charging' consultation to consider whether opportunities existed to secure alternative external funding when it had met on 22 November 2016 and it was noted that a representative on Tonbridge Town Team had attended that meeting.

The Committee supported the opinion of the Panel that no changes should be made to the support provided in the parished areas and that alternative funding options should be explored for provision of Christmas Lights and hanging baskets in Tonbridge.

RECOMMENDED: That

- (1) no change be made to the current arrangements for Christmas lighting grant support in the parished areas but these be reviewed again when necessary;
- (2) alternative funding options for Tonbridge Christmas lights and hanging baskets be explored for 2017/18. If these options are found not to be viable, Council, as a last resort, be recommended to review the listed functions within the Council's adopted Special Expenses Scheme with a view to including the functions within that scheme from 2018/19;
- (3) a range of potential funding options be explored, including seeking direct support from local traders and achieving additional income generation from new events, markets, advertising and street trading concessions. This funding to be additional to any existing income already generated or planned for in the town centre;
- (4) the target income figure for 2017/18 be set at £17,000, being 50% of the annual costs of both the Christmas lights and hanging baskets; and
- (5) a review of the progress achieved with the above initiatives be undertaken in the third quarter of 2017/18.

MATTERS SUBMITTED FOR INFORMATION

OS 17/6 SCRUTINY REVIEW PROGRAMME UPDATE

The report of the Chief Executive set out proposals for future reviews to be undertaken by the Overview and Scrutiny Committee, together with details of the membership of the review groups. It was noted that Councillors Base and Bolt would be invited to serve, respectively, on the Review of the Gibson Building and the Review of the Constitution and that the Vice-Chairmen of the Committee could attend the meetings of the Panel to which they had not been appointed.

RESOLVED: That the review topics and panel membership be noted.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 17/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.31 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 25th January, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs S M Barker, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison and Cllr T B Shaw

Councillors N J Heslop and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M A C Balfour and Miss S O Shrubsole

PART 1 - PUBLIC

AP2 17/1 DECLARATIONS OF INTEREST

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

AP2 17/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 14 December 2016 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 1, PART 3 OF THE CONSTITUTION

AP2 17/3 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP2 17/4 TM/16/01245/FL - 4 WROTHAM ROAD, BOROUGH GREEN

Section 73 Application to vary condition 13 of TM/14/03560/FL (as varied by non-material amendment TM/16/00688/NMA) to remove the chamfer from the rear of the building, relocation of escape door, insertion of additional escape door, retention of existing covered porch, amendment to main entrance door, reduction in width and relocation of new access stairs, revised position of two car parking spaces at 4 Wrotham Road, Borough Green.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health; subject to

- (1) Substitution of the plan/document list at paragraph 7.1 of the main report with that set out in the supplementary report and repeated below:

Proposed Plans H104 C received 23.01.2017, Email received 16.11.2016, Drawing SSLBOROUGHGREEN(LOCAL).1 TK09 received 17.11.2016, Drawing SSLBOROUGHGREEN(LOCAL).1 TK07 received 17.11.2016, Environmental Assessment PHASE1 AND II received 17.11.2016, Letter received 17.11.2016, Site Plan received 04.05.2016, Elevations P-121603-201 A received 18.04.2016, Drawing TK10 car entering plan received 18.04.2016, Drawing TK11 car exit plan received 18.04.2016, Elevations P-1211603-203 B received 18.04.2016, Elevations P-1211603-204 B received 18.04.2016, Floor Plan P-121603-102 D received 18.04.2016, Floor Plan P-121603-111 A received 18.04.2016, Parking Layout P-121603-115 C received 18.04.2016, Elevations P-121603-202 A received 18.04.2016, Drawing P-121603-300 MECHANICAL LAYOUT received 18.04.2016, Letter received 18.04.2016, subject to the conditions set out in the main report;

- (2) Amended Condition:

6. The loading area and the area shown within the tracking plots on drawing numbers SSLBOROUGHGREEN(LOCAL).1/TK09 and SSLBOROUGHGREEN(LOCAL).1/TK07 as tracing for the 18t Rigid Vehicle for entering and exiting the loading area in forward gears 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 or in such a position to preclude vehicular access to this reserved loading bay and turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

(3) Additional Informative:

4. The applicant is reminded that Condition 9 has been discharged on the basis of no external storage of waste being required and all waste being stored internally other than on a collection day (weekly). As such, should an external bin be required at a later day then a scheme will be required to be submitted to the Council for approval pursuant to this condition.

[Speaker: Mr G Morris – agent]

**AP2 17/5 TM/16/01766/FL - PHASE 3 PLATT INDUSTRIAL ESTATE,
MAIDSTONE ROAD, PLATT**

Erection of 3 Industrial buildings for mix of B2 (General Industry) and B8 (Storage/Distribution) use, and associated vehicle access and parking at Phase 3, Platt Industrial Estate, Maidstone Road, Platt.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Services; subject to

(1) Substitution of the plan/document list at paragraph 7.1 of the main report with that set out in the supplementary report and repeated below:

Proposed Elevations 4863-006 C received 06.12.2016, Proposed Floor Plans 4863-011 B received 06.12.2016, Proposed Floor Plans 4863-014 B received 06.12.2016, Roof Plan 4863-015 A received 06.12.2016, Site Plan 4863-003 G received 08.12.2016, Transport Assessment 614034 REPORT 932 V1.0 received 07.11.2016, Other AADT DATA received 07.11.2016, Arboricultural Survey 161008 V2 ADDENDUM received 29.11.2016, Other DRAINAGE CALCULATIONS received 24.11.2016, Letter received 22.11.2016, Sustainable drainage scheme 201 A received 11.01.2016, Proposed Floor Plans 4863-009 C received 11.01.2016, Proposed Floor Plans 4863-010 C received 11.01.2016, Proposed Floor Plans 4863-012 C received 11.01.2016, Proposed Floor Plans 4863-013 C received 11.01.2016, Proposed Elevations 4863-007 C received 11.01.2016, Proposed Elevations 4863-008 C received 11.01.2016, Sections 4863-005 D received 11.01.2016, Location Plan 4863-001 received 06.06.2016, Survey J20112 REPTILE received 01.07.2016, Tree Report 131102 V2 received 01.07.2016, Desk Study Assessment 90507 Phase 1a _ 1b received 01.07.2016, Habitat Survey Report LM-P1BBG-2009 received 01.07.2016, Planning, Design And Access Statement received 10.06.2016, Topographical Survey 4863-016 received 16.08.2016, Unilateral

Undertaking received 24.01.2017, subject to the conditions set out in the main report;

(2) Additional Condition:

27. This permission shall be an alternative to outline planning permission TM/11/03020/0A granted on 21.07.2015 and shall not be exercised in addition thereto or in combination therewith.

Reason: The exercise of more than one permission is likely to harm the character and appearance of the site.

(3) Amended Condition:

23. Prior to the commencement of development, details of the junction alterations and a strategy and timetable for measures to improve both the safety and the environmental conditions of the access roads for vehicles and pedestrians around the A25/Platt Industrial Estate junction shall be submitted to and approved by the Local Planning Authority. The junction alterations and strategy shall be implemented as approved.

Reason: In the interest of public safety and amenity.

(4) Additional Informative:

11. The junction alterations and strategy pursuant to condition 23 will need to be drawn up in liaison with KCC (Highways and Transportation) and the Environmental Protection Team of TMBC and will be expected to have examined issues such as (i) traffic visibility at the junction; (ii) safety of the pedestrians at the new junction; (iii) cleaning of roadways; (iv) HGVs idling within the site; (v) waiting restrictions and (vi) acoustic fencing.

[Speakers: Platt Parish Council – Mr T Bonser]

AP2 17/6 TM/16/02936/FL - 68 WESTERN ROAD, BOROUGH GREEN

Change of use from Class A1 (shop) to Class A5 (hot food takeaway) and external alterations - including the installation of extraction and ventilation equipment at 68 Western Road, Borough Green.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

(1) Amended Condition:

4. Notwithstanding the provisions of Class B of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any

order amending, revoking or re-enacting that Order, no change of use from the use hereby approved to Use Class A3 (as specified in the Town and Country Planning (Use Classes Order) 1987) shall take place without a grant of planning permission from the Local Planning Authority.

Reason: To control the nature of the use in the interest of residential amenity.

[Speaker: Mr Karatay – member of the public and Mr Roberts - agent]

AP2 17/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 31st January, 2017

Present: Cllr N J Heslop (Chairman), Cllr M A Coffin, Cllr Mrs M F Heslop, Cllr D Lettington, Cllr H S Rogers and Cllr Miss S O Shrubsole

Councillors Mrs J A Anderson, O C Baldock, M A C Balfour, P F Bolt, D J Cure, S M Hammond, D Markham, Mrs A S Oakley, M Parry-Waller, R V Roud, A K Sullivan and T C Walker were also present pursuant to Access to Information Rule No 22.

PART 1 - PUBLIC

CB 17/1 DECLARATIONS OF INTEREST

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

CB 17/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 12 October 2016 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 17/3 APPOINTMENT OF EXTERNAL AUDITORS

The report of the Director of Finance and Transformation referred to the identification of the opt-in to a sector led body as the preferred option for the appointment of external auditors when the transitional arrangements came to an end on 31 March 2018 (Minute AU 16/18). Members were advised that the formal invitation to opt-in to the appointing person arrangements made by Public Sector Audit Appointments Limited (PSAA) was received on 27 October 2016 with a closing date of 9 March 2017. A copy of the PSAA prospectus and FAQs were annexed to the report and it was noted that the Audit Committee at its meeting on 23 January 2016 had recommended that the Council opt in to the arrangements.

RECOMMENDED: That the Council opts in to the appointing person arrangements made by Public Sector Audit Appointments for the appointment of external auditors.

***Referred to Council**

CB 17/4 RISK MANAGEMENT STRATEGY

The joint report of the Chief Executive and Director of Finance and Transformation presented an updated Risk Management Strategy which had been fully reviewed together with the Risk Management Guidance. Details were given of the main changes to the risk management process which involved identified risks falling in the “red zone” being subject to “escalation” to the relevant service management team, corporate Management Team and subsequently Members as appropriate.

It was noted that the Corporate Risk Register was being updated to align with the recently approved Corporate Strategy and would be presented in due course. The updated Risk Management Strategy had been considered by the Audit Committee at its meeting on 23 January 2017 and commended for adoption.

RECOMMENDED: That

- (1) the proposed change to the risk management process detailed at paragraph 1.2.2 of the report be endorsed; and
- (2) the Risk Management Strategy set out at Annex 1 to the report be adopted by the Council.
***Referred to Council**

CB 17/5 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2017/18

The report of the Director of Finance and Transformation provided details of investments undertaken and returns achieved in the first nine months of the current financial year together with an introduction to the Treasury Management and Annual Investment Strategy for 2017/18.

It was noted that investment income at the end of December was £22,900 above budget for the same period although the pattern of income generation had changed significantly following the August Bank Rate cut which resulted in lower returns going forward. Nevertheless it was expected that income for the year as a whole would still be in line with the original budget.

Reference was made to a review of investment duration and additional flexibility, subject to appropriate safeguards, was sought. The report explored the use of property funds for long term investment and recommended their inclusion in the 2017/18 Annual Investment Strategy.

It was noted that the Audit Committee had reviewed the matters covered by the report at its meeting on 23 January 2017 and commended the Strategy for adoption.

RECOMMENDED: That 

- (1) the treasury management position as at 31 December 2016 be noted;
- (2) the use of property funds for long term investment be endorsed;
- (3) subject to the caveats identified in paragraph 1.3.14 of the report, the Council allow up to six months to be added to Capita's suggested duration for UK institutions, subject to overall duration not exceeding 12 months; and
- (4) the Annual Investment Strategy for 2017/18, as set out at Annex 4 to the report, be adopted.
***Referred to Council**

CB 17/6 SATURDAY HOUSEHOLD BULKY AND WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) SERVICE REVIEW

Item SSE 16/12 referred from Street Scene and Environment Services Advisory Board minutes of 7 November 2016

The Cabinet received the recommendations of the Street Scene and Environment Services Advisory Board at its meeting on 7 November 2016 in relation to the review of the Council's bulky refuse collection and WEEE recycling service undertaken in partnership with Veolia.

RECOMMENDED: That 

- (1) the revised schedule for the collection of bulky refuse and waste electrical and electronic equipment (WEEE) from locations across the Borough be approved;
- (2) the revised arrangements commence in February 2017 for a period of two years; and
- (3) the bulky refuse and WEEE service be reviewed further as part of the retender of the Council's Refuse and Street Cleansing Contract.
***Referred to Council**

CB 17/7 REVENUE ESTIMATES 2017/18

Item FIP 17/3 referred from Finance, Innovation and Property Advisory Board minutes of 4 January 2017

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting on 4 January 2017 in relation to the formulation of initial draft proposals in respect of the Budget. All

budgetary matters were referred for consideration in detail at the subsequent Budget meeting of the Cabinet.

CB 17/8 CAPITAL PLAN REVIEW 2016/17

Item FIP 17/4 referred from Finance, Innovation and Property Advisory Board minutes of 4 January 2017

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting on 4 January 2017 in relation to the initial stage of the Capital Plan review process. All budgetary matters were referred for consideration in detail at the subsequent Budget meeting of the Cabinet.

DECISIONS TAKEN IN ACCORDANCE WITH PARAGRAPH 4, PART 3 OF THE CONSTITUTION

CB 17/9 OPEN CHURCHYARDS

Decision Notice D170006CAB

CB 17/10 OVERVIEW AND SCRUTINY REVIEW - CHRISTMAS LIGHTING AND HANGING BASKET DISPLAYS

Decision Notice D170007CAB

CB 17/11 HIVE LOTTO - COMMERCIALISATION OF BRAND

Decision Notice D170008CAB

CB 17/12 PUBLIC OPEN SPACES PROTECTION ORDER

Decision Notice D170009CAB

MATTERS SUBMITTED FOR INFORMATION

CB 17/13 MATTERS REFERRED FROM ADVISORY BOARDS

The notes of the meetings of the following Advisory Boards were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes. A number of recommendations in respect of budgetary matters and fees and charges were referred to the subsequent Budget meeting of the Cabinet.

Street Scene and Environment Services Advisory Board of 7 November 2016

Communities and Housing Advisory Board of 14 November 2016

Planning and Transportation Advisory Board of 15 November 2016

Finance, Innovation and Property Advisory Board of 4 January 2017

RESOLVED: That the report be received and noted.

CB 17/14 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS

The Minutes of the meetings of the following Advisory Panels and other Groups were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Parish Partnership Panel of 17 November 2016

RESOLVED: That the report be received and noted.

CB 17/15 TONBRIDGE POOL ROOF REPAIRS: WAIVER UNDER CONTRACTS PROCEDURE RULE 13

The report of the Director of Central Services gave details of the circumstances in which a waiver under Contracts Procedure Rule 13 had been approved in respect of unexpected costs arising following the commencement of roof repairs at Tonbridge Swimming Pool.

RESOLVED: That the report be received and noted.

CB 17/16 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

CB 17/17 HIVE LOTTO - COMMERCIALISATION OF BRAND

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

Annex 3 containing exempt information in respect of item at Decision Notice D170008CAB.

The meeting ended at 8.26 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Street Scene
and Environment Services**

**Decision No:
D160082MEM**

Date: 07 November 2016

Decision(s) and Reason(s)

The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016

(Report of Director of Street Scene, Leisure and Technical Services)

The report gave details of the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 which allowed fly tipping offences to be dealt with by means of a Fixed Penalty Notice (FPN) and aimed to provide an efficient tool for tackling smaller scale and/or lower impact fly tipping incidents.

Details were given of the proposed penalty and the circumstances in which the FPN would be issued, together with a review of the current FPN process.

Following consideration by the Street Scene and Environment Services Advisory Board, the Cabinet Member for Street Scene and Environment Services resolved that with immediate effect:

- (1) delegated authority be granted to the Director of Street Scene, Leisure and Technical Services under the Environmental Protection Act 1990, as amended by the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016, to make appropriate arrangements for the issue of Fixed Penalty Notices for fly tips;
- (2) the penalty charge of £400 for unauthorised deposits of waste be supported with no early payment reduction and no appeal process;
- (3) the removal of early payment reductions for Duty of Care offences often associated with fly tipping be supported; and
- (4) the cessation of the appeal process for all offences where Fixed Penalty Notices are served be supported.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 7 November 2016.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 11 November 2016

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Community Services

**Decision No:
D160083MEM**

Date: 14 November 2016

Decision(s) and Reason(s)

Leisure Facilities - Leisure Trust Update

(Report of Director of Street Scene, Leisure and Technical Services)

The report reviewed the recent performance of the Tonbridge and Malling Leisure Trust and provided an update on the review of the existing Service Fee payable by the Council to the Trust until March 2018. The Trust's Chief Executive, Martin Guyton, presented a review of the last year and answered questions on a range of performance issues.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Community Services resolved that:

The outcome of negotiations with the Trust on the revised Service Fee and Business Plan for 2018-2023 be considered at a future meeting of the Communities and Housing Advisory Board.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 14 November 2016.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 18 November 2016

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

Decision Taken By: Cabinet Member for Community Services

**Decision No:
D160085MEM**

Date: 14 November 2016

Decision(s) and Reason(s)

Safeguarding Training Update

(Report of Chief Executive)

The report provided an update on Safeguarding Training and set out details of further enhanced training for appropriate staff.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Community Services resolved that:

- (1) the additional training for key staff (those identified as Designated Officers) to complete all sections of the Core Learning within the Kent Safeguarding Children's Board (KSCB) "Safeguarding Training Tree" be endorsed; and
- (2) the additional training for key staff (those identified as Designated Officers) to complete further Adult Safeguarding Training be endorsed.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 14 November 2016.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 18 November 2016

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

Decision Taken By: Cabinet Member for Community Services

**Decision No:
D160086MEM**

Date: 14 November 2016

Decision(s) and Reason(s)

Devolution of Public Health (Preventative Services)

(Report of Director of Planning, Housing and Environmental Health)

The report set out proposed arrangements for an integrated approach towards public health (preventative services) across West Kent between Kent County Council and Tonbridge and Malling, Sevenoaks and Tunbridge Wells district councils.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Community Services resolved that:

- (1) the approach, principles and district council's role in the West Kent Public Health Preventative Services devolution model, as set out in the report, be endorsed;
- (2) a partnership agreement between Kent County Council, Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council be developed as a basis to work together to deliver the West Kent Public Health Preventative Services devolution model over the three years 2017/18 to 2019/20; and
- (3) the principle of the governance arrangements, as set out in the report, be endorsed and the approval of detailed matters (including a partnership agreement) be delegated to the Leader and the Cabinet Members for Finance, Innovation and Property and Community Services.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 14 November 2016.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 18 November 2016

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

Decision Taken By: Cabinet Member for Housing

**Decision No:
D160087MEM**

Date: 14 November 2016

Decision(s) and Reason(s)

Document Imaging System for Housing Services

(Report of Director of Planning, Housing and Environmental Health)

The report sought approval to expand the existing Revenue and Benefits Document Imaging Processing (DIP) Capital Plan scheme to include the Housing Service.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Housing resolved that:

The existing Revenue and Benefits DIP Capital Plan scheme be expanded to include the Housing Service and the expansion be funded by way of a virement from existing Capital Plan schemes, as set out at section 1.3 of the report.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 14 November 2016.

Signed Cabinet Member for Housing S Shrubsole

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 18 November 2016

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

Decision Taken By: Cabinet Member for Housing

**Decision No:
D160088MEM**

Date: 14 November 2016

Decision(s) and Reason(s)

Energy Efficiency Update

(Report of Director of Planning, Housing and Environmental Health)

The report sought endorsement of the Kent-wide Fuel Poverty Strategy and provided an update on the Energy Deal collective switching scheme initiative.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Housing resolved that:

- (1) the new Kent Wide Fuel Poverty Strategy be endorsed; and
- (2) the approach being taken to ensure that residents can continue to benefit from the Energy Deal Collective Switching Scheme initiative be endorsed.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 14 November 2016.

Signed Cabinet Member for Housing S Shrubsole

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 18 November 2016

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Strategic Planning and Infrastructure

**Decision No:
D160089MEM**

Date: 15 November 2016

Decision(s) and Reason(s)

Local Transport Plan for Kent - Consultation

(Report of Director of Planning, Housing and Environmental Health)

The report sought endorsement of officer level comments returned to Kent County Council (KCC) in respect of the recent consultation on the fourth Local Transport Plan which closed on 30 October. An update was also provided on other relevant transportation items.

Reference was made to the nine strategic priorities within the Plan together with the additional district priorities for Tonbridge and Malling which had been highlighted in the Growth and Infrastructure Framework. Attention was drawn to a number of further priorities which reflected early responses received in relation to the emerging Local Plan. During discussion it was requested that a letter be sent to KCC reinforcing the Borough Council's priorities and emphasising the need for air quality issues to be afforded greater priority in the Plan, for liaison between authorities on improvements to the A20 corridor, and advancement of the Tonbridge High Street traffic signal co-ordination project.

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Strategic Planning and Infrastructure resolved that:

The comments in the questionnaire that are supportive of Local Transport Plan 4 and the identified priorities for Tonbridge and Malling, as set out at Annex 1 to the report, be endorsed and a further letter be sent to Kent County Council on the matters outlined above.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 15 November 2016.

Signed Cabinet Member for Strategic Planning and Infrastructure H Rogers

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 18 November 2016

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D170001MEM**

Date: 04 January 2017

Decision(s) and Reason(s)

Application for Discretionary Rate Relief

(Report of Director of Finance and Transformation)

The report gave details of a new application for discretionary rate relief which was considered in accordance with the previously agreed criteria for determining such applications.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The new application for discretionary relief be determined as follows:

Hillsong Church London, The River Centre, Medway Wharf Road, Tonbridge - no discretionary relief be awarded.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 4 January 2017.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 6 January 2017

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D170002MEM**

Date: 04 January 2017

Decision(s) and Reason(s)

Debts for Write Off

**(LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information
about an individual)**

(Report of Director of Finance and Transformation)

**The report sought approval of the writing-off of debts considered to be
irrecoverable. Details were also given of debts under £1,000 which had been
written-off in accordance with Financial Procedure Rule 17.2 together with
cumulative totals of debts in the current and previous financial years and
information on budgeted bad debt provision.**

Following consideration by the Finance, Innovation and Property Advisory Board, the
Cabinet Member for Finance, Innovation and Property resolved that:

The 23 items shown in the schedule of amounts over £1,000, totalling £86,351.07 be
written-off for the reasons stated within the schedule.

Reasons: As set out in the report submitted to the Finance, Innovation and Property
Advisory Board of 4 January 2017 (contains exempt information).

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 6 January 2017

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D170003MEM**

Date: 04 January 2017

Decision(s) and Reason(s)

Renewal of Cash Collection Contract and Council Banking Contract

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Report of Director of Finance and Transformation)

The report provided an update on the outcome of the countywide tender exercise, carried out on behalf of 12 authorities in Kent, for provision of cash collection services. Due to the timescale for commencement of the new contract, it had been necessary for the result of the tender exercise to be accepted in advance of the meeting following consultation with the Leader, Cabinet Member for Finance, Innovation and Property and Chairman of the Overview and Scrutiny Committee.

Details were also given of action taken in accordance with Contracts Procedure Rules to extend the Council's current banking contract until 31 March 2018.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

- (1) the decision of the Leader, Cabinet Member for Finance, Innovation and Property and Chairman of the Overview and Scrutiny Committee to accept the result of the cash collection tendering exercise and the appointment of Contract Security Services Limited be endorsed; and
- (2) the contract extension in respect of the Council's Bankers be noted.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 4 January 2017 (contains exempt information).

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 6 January 2017

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D170004MEM**

Date: 04 January 2017

Decision(s) and Reason(s)

Proposed Disposal of Land Adjacent to Fielding Drive, Larkfield

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Report of Director of Central Services)

The report gave details of proposed terms and conditions in respect of the disposal of an area of amenity land adjacent to Fielding Drive following a request to purchase by an adjoining property owner.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

Disposal of the area of amenity land adjacent to Fielding Drive, Larkfield be approved on the basis of the conditions outlined in the report, subject to planning permission being obtained for a change of use from amenity to domestic garden.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 4 January 2017 (contains exempt information).

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 6 January 2017

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D170005MEM**

Date: 04 January 2017

Decision(s) and Reason(s)

Licence Agreement for Use of Land as Permissive Footpath Adjacent to Bailey Bridge, Aylesford

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Report of Director of Central Services)

The report gave details of a proposed licence agreement with Kent County Council for use of land owned by the Borough Council adjacent to the Bailey Bridge car park, Aylesford as a permissive footpath.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

Approval be given for a licence to Kent County Council for a permissive footpath as identified in the report.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 4 January 2017 (contains exempt information).

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 6 January 2017

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet
Decision No: D170006CAB
Date: 31 January 2017

Decision(s) and Reason(s)

Open Churchyards

(Report of Management Team)

Further to the Council's adoption of a Special Expenses Scheme and to Minute CB 16/60 (4) in respect of the open churchyard issue, the report gave details of the outcome of discussions with the Rural Deans. It was recommended that no budgetary provision should be made towards the maintenance costs of open churchyards and that the results of a burial capacity study commissioned in partnership with the Rural Deans should be reported back in due course, initially to the Communities and Housing Advisory Board.

The Cabinet resolved that:

- (1) it be confirmed that no future budgetary provision should be made in respect of discretionary financial contributions towards the maintenance costs of open churchyards;
- (2) it be noted that a "capacity study" of burial spaces within the Borough of Tonbridge and Malling has commenced in partnership with the Rural Deans;
- (3) the Management Team be requested to present a report on the results of that study to a future meeting; and
- (4) the Rural Deans be thanked for their understanding and assistance in progressing the project.

Reasons: As set out in the report of the Management Team.

Signed Chief Executive: J Beilby

Date of publication: 3 February 2017

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

Decision Taken By: Cabinet
Decision No: D170007CAB
Date: 31 January 2017

Decision(s) and Reason(s)

Overview and Scrutiny Review - Christmas Lighting and Hanging Basket Displays

(Report of Chief Executive)

Consideration was given to the recommendations of the Overview and Scrutiny Committee at its meeting of 24 January 2016 on the outcome of a review of the future funding of Christmas lighting displays and hanging basket provision in Tonbridge.

The Cabinet resolved that:

The recommendations of the Overview and Scrutiny Committee be endorsed as follows:

- (1) no change be made to the current arrangements for Christmas lighting grant support in the parished areas but these be reviewed again when necessary;
- (2) alternative funding options for Tonbridge Christmas lights and hanging baskets be explored for 2017/18. If these options are found not to be viable, the Council, as a last resort, be recommended to review the listed functions within the Council's adopted Special Expenses Scheme with a view to including the functions within that scheme from 2018/19;
- (3) a range of potential funding options be explored, including seeking direct support from local traders and achieving additional income generation from new events, markets, advertising and street trading concessions; this funding to be additional to any existing income already generated or planned for in the town centre;
- (4) the target income figure for 2017/18 be set at £17,000, being 50% of the annual costs of both the Christmas lights and hanging baskets; and
- (5) a review of the progress achieved with the above initiatives be undertaken in the third quarter of 2017/18.

Reasons: As set out in the report of the Chief Executive to Cabinet and Overview and Scrutiny Committee.

Signed Chief Executive: J Beilby

Date of publication: 3 February 2017

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

Decision Taken By: Cabinet
Decision No: D170008CAB
Date: 31 January 2017

Decision(s) and Reason(s)

Hive Lotto - Commercialisation of Brand

(Report of Director of Central Services and Monitoring Officer)

The report provided an update on progress since the Council's launch of an online lottery on 2 September 2016 to provide discretionary support to voluntary and community groups. Consideration was given to a proposal for further growth of Hive Lotto through the acceptance of other local authorities into the existing lottery, the proposed terms for which contained exempt information and were set out in the private part of the agenda.

The Cabinet resolved that:

- (1) the amended criteria at Annex 2 to the report be approved for acceptance of good causes into the lottery;
- (2) the Director of Central Services be authorised to negotiate and agree detailed terms with interested local authorities to join Hive Lotto; and
- (3) the Director of Central Services be authorised to complete all necessary legal documentation to give effect to the recommendation set out at (2) above.

Reasons: As set out in the report of the Director of Central Services and Monitoring Officer (Annex 3 contains exempt information).

Signed Chief Executive: J Beilby

Date of publication: 3 February 2017

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

Decision Taken By: Cabinet
Decision No: D170009CAB
Date: 31 January 2017

Decision(s) and Reason(s)

Public Open Spaces Protection Order

(Report of Director of Central Services and Monitoring Officer)

The report referred to new duties placed upon the Council under the Anti-social Behaviour, Crime and Policing Act 2014 to tackle anti-social behaviour, Public Spaces Protection Orders (PSPOs) being one of a number of tools for dealing with a nuisance or problem in a particular area. Details were given of a proposed PSPO for Tonbridge and Malling including Borough-wide restrictions and those for particular geographical areas, together with consultation arrangements. It was noted that the results of the consultation would be reported to the Cabinet on 21 March 2017.

It was suggested that the introduction to the consultation document should clarify that the proposed PSPO generally replaced existing enforcement arrangements rather than introducing significant changes.

The Cabinet resolved that:

The proposed Public Spaces Protection Order, as presented at Annex 1 to the report with the amendment to the introduction to the consultation document, be circulated for consultation.

Reasons: As set out in the report of the Director of Central Services and Monitoring Officer.

Signed Chief Executive: J Beilby

Date of publication: 3 February 2017

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

TONBRIDGE AND MALLING BOROUGH COUNCIL
MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS

INDEX

Item	Page (s)
1. 14 February: Council <ul style="list-style-type: none"> - Minute Numbers: C 17/1 – 18 - Annex: Council Tax Resolution 	3 - 14
2. 1 March: Area 2 Planning Committee <ul style="list-style-type: none"> - Minute Numbers: AP2 17/8 - 16 	15 - 20
3. 6 March: General Purposes Committee <ul style="list-style-type: none"> - Minute Numbers: GP 17/1 – 10 - Annex: Members Allowances 	21 - 28
4. 14 March: Licensing and Appeals Committee <ul style="list-style-type: none"> - Minute Numbers: LA 17/1 - 8 	29 - 32
5. 16 March: Area 3 Planning Committee <ul style="list-style-type: none"> - Minute Numbers: AP3 17/12 - 16 	33 - 36
6. 21 March: Cabinet <ul style="list-style-type: none"> - Minute Numbers CB 17/30 - 43 	37 - 40
7. Cabinet Decision Notices <ul style="list-style-type: none"> - D170017MEM – D170018MEM - D170019MEM – D170024MEM - D170025MEM – D170029MEM - D170030CAB – D170036CAB 	41 - 68
8. 30 March: Area 1 Planning Committee <ul style="list-style-type: none"> - Minute Numbers: AP1 17/7 - 	To Follow
9. 3 April: Audit Committee <ul style="list-style-type: none"> - Minute Numbers: AU 17/16 - 	To Follow

NOTE: In the case of items containing exempt information, the report must remain confidential but details of the decisions need not remain confidential.

As part of the Council's environmental strategy, all Committee agenda, reports and minutes are produced with recycled paper and are available to view on line.

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 14th February, 2017

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 14th February, 2017

Present: His Worship the Mayor (Councillor M R Rhodes), the Deputy Mayor (Councillor R W Dalton), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr S C Perry, Cllr R V Roud, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole, Cllr Ms S V Spence, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors M C Base, Mrs P A Bates, V M C Branson, B T M Elks, Mrs S M Hall, S M King, P J Montague, L J O'Toole, H S Rogers, C P Smith, A K Sullivan and M Taylor

PART 1 - PUBLIC

C 17/1 DECLARATIONS OF INTEREST

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

C 17/2 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 1 November 2016 be approved as a correct record and signed by the Mayor.

C 17/3 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since the last meeting he had attended many nativity plays, carol concerts and opening of Christmas fairs at schools and colleges throughout the Borough. He highlighted a number of memorable events including collecting for the RBL Poppy Appeal and the Remembrance Sunday parades, the various Christmas Festivals and switching on of lights around the Borough, the Leybourne Grange Riding

Centre for the Disabled Nativity, the Hi Kent Charity Draw and the Blessing of the Seas at Margate.

The Mayor reported on the successful dinner at the Old Fire Station which had raised funds for his charities. He also referred to future events including the Oast Theatre performance on 8 March which was now sold out and indicated that further details would follow of an Archery and Activity Day at Wide Horizons and a Charity Big Band event.

C 17/4 ELECTION OF MEMBER FOR TRENCH WARD

The Chief Executive as Returning Officer submitted the certificate of the result of the election held on 8 December 2016 to fill the vacancy for the Trench Ward. Members were advised that Miss Georgina Thomas (Conservative) had been duly elected as a Councillor to hold office until 2019.

C 17/5 POLITICAL BALANCE ARRANGEMENTS FOR COMMITTEES

The report of the Director of Central Services and Monitoring Officer gave details of the political balance arrangements to be applied to the Council's committees, sub-committees, advisory boards and panels following the by-election for Trench Ward.

It was noted that the overall allocation of seats was the same as that reported to the Annual Council meeting and details were given of proposed changes to membership notified by the Conservative Group.

RESOLVED: That

- (1) the composition of all committees, sub-committees, advisory boards and panels be approved in accordance with the table at paragraph 1.1.3 of the report and the Monitoring Officer be authorised to make any consequential amendments to the Council's Constitution in respect of political balance; and
- (2) the appointments set out at paragraph 1.1.4 of the report be approved as follows:

Councillor Mrs P Bates to fill the vacancy on the Overview and Scrutiny Committee

Councillor Miss G Thomas to fill the vacancy on the Joint Standards Committee

Councillor Miss G Thomas to replace Councillor Mrs P Bates on the Communities and Housing Advisory Board

Councillor Miss G Thomas to fill the vacancy on the Street Scene and Environment Services Advisory Board

C 17/6 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 17/7 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

Councillor D Cure asked the following question pursuant to Council Procedure Rule No 5.5:

“Would Councillor Howard Rogers as Cabinet Member for Strategic Planning and Infrastructure of a Conservative Administration explain how he can dilute the Democratic Rights of residents of The Borough, by denying the right of neighbours and local residents to attend Area Planning Committee Site Meetings by a procedure which given its great implications has never been put to the Full Council.”

To which the Cabinet Member for Strategic Planning and Infrastructure replied as follows:

“The review of procedures for Members Site Inspections followed some initial consideration by a Panel of the Overview and Scrutiny Committee and subsequent work by officers, in consultation with the Chairmen of the Area Planning Committees and myself, to reflect the decision of Cabinet to implement some practical improvements to the current Area Planning Committee system.

The underlying approach was to clarify how Members Site Inspections should take place, taking into account current national guidance and good practice and recognising that the sole purpose of such Site Inspections is for Members of the Planning Committee to survey the site and surroundings in order to inform their subsequent consideration of a planning application.

Site Inspections by Planning Committee Members are not occasions for any debate, comment or the expression of views by any party. It is important that Members of the Planning Committee are allowed to simply view the site. Any queries arising can be put to planning officers who will answer them or note for further investigation. Members of the Public or other third parties have no ‘right’ to attend such site inspections. They do, of course, have an appropriate right to make written representations and speak at a Planning Committee meeting when decisions are made. The new procedure makes provision for a relevant Parish Council representative to attend as an observer.

The changes made are ones of clarity for the benefit of Planning Committee Members, the proper conduct of Site Inspections and to ensure the robustness of decisions ultimately made by the Planning

Committees. It is not a change that effects how the Council will look at planning applications or engage with members of the public through appropriate consultation”.

C 17/8 LEADER'S ANNOUNCEMENTS

The Leader welcomed Councillor Georgina Thomas to her first meeting of the Council, saying that she was born and raised in Trench and was now one of the representatives for Trench Ward.

He advised that Councillor Martin Coffin would shortly present the Cabinet's recommendations on the budget to Council and in considering the budget proposals, it was worth reflecting on the context of the challenge faced at Tonbridge and Malling. Firstly, this was the first meeting of Council when budget setting would be taken in the knowledge that revenue support grant no longer existed (for TMBC at least). The means of paying for services provided by the Borough Council including emptying the bins, sweeping the streets, providing a housing service, the planning function, licensing, leisure activities and parks was now wholly dependent upon taxation, a share of business rates, charging and how the Council made best use of its capital resources.

The Leader said that Members would also be aware that the Council, at its November meeting, had adopted a scheme of special expenses covering the costs of selected local services, which were provided by the Borough Council in some areas of the Borough and by parish councils in other parts. He believed that the new arrangements had cross party support.

Secondly, the Leader indicated that the stretch on local government was increasing and the means of balancing expectation of the delivery of those public services and the human and financial resources available continued to widen. He set out those thoughts because, in going through the agenda that evening, his concern was to do the best to protect what was cherished in Tonbridge and Malling, providing the services believed to be important to local people but also being mindful of the wider challenges faced. The Leader stressed that over the coming months the Council would have to turn its attention to making some more very difficult choices within the context of the Savings and Transformation Strategy. It was simply not possible to continue to provide everything in the same way and to the same level, given the financial pressures.

On a positive note, as in previous years, the Leader was pleased to report that the latest audit letter from Grant Thornton was extremely complimentary about the financial approach of the authority. Two key passages worthy of note were:

In respect of value for money, as they had in many previous years, the auditors were “satisfied that the Council put in place proper arrangements to ensure economy, efficiency and effectiveness in its use

of resources”; and commenting on the savings challenge, they observed “the Council continues to address this gap in a structured way.”

A further positive was the announcement that local growth funding had been secured towards the Medway Flood Storage Area Project. This was the final tranche of funding that would now enable the £24 million project to go ahead, giving the Council and local people/businesses more certainty on the future of flood defences and much needed improvements to the Leigh Flood Storage Area, together with a flood protection bund at Hildenborough and a separate scheme of flood mitigation measures at East Peckham.

The Leader reported that the Council had been single minded on this issue, holding the line purposefully and working very closely with the Environment Agency, Kent County Council and other agencies during the bid process. He particularly wished to acknowledge the dedication and professionalism of those officers involved in the project - in particular Julie Beilby, Steve Humphrey, Mark Raymond, Jeremy Whittaker, Ian Bailey and Andy Edwards.

C 17/9 DELEGATION OF FILM CLASSIFICATION

Item LA 16/92 referred from Licensing and Appeals Committee minutes of 29 November 2016

RESOLVED: That the recommendations at Minute LA 16/92 be approved.

C 17/10 POLICY STATEMENT - DISCLOSURE AND BARRING SERVICE

Item LA 16/93 referred from Licensing and Appeals Committee minutes of 29 November 2016

RESOLVED: That the recommendations at Minute LA 16/93 be approved.

C 17/11 APPOINTMENT OF EXTERNAL AUDITORS

Item CB 17/3 referred from Cabinet minutes of 31 January 2017

RESOLVED: That the recommendations at Minute CB 17/3 be approved.

C 17/12 RISK MANAGEMENT STRATEGY

Item CB 17/4 referred from Cabinet minutes of 31 January 2017

RESOLVED: That the recommendations at Minute CB 17/4 be approved.

C 17/13 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2017/18

Item CB 17/5 referred from Cabinet minutes of 31 January 2017

RESOLVED: That the recommendations at Minute CB 17/5 be approved.

C 17/14 SATURDAY HOUSEHOLD BULKY AND WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) SERVICE REVIEW

Item CB 17/6 referred from Cabinet minutes of 31 January 2017

RESOLVED: That the recommendations at Minute CB 17/6 be approved.

C 17/15 SETTING THE BUDGET 2017/18

Item CB 17/19 referred from Cabinet minutes of 9 February 2017

It was proposed by Councillor M Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 17/19 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, 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 T Edmondston-Low, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr R V Roud, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole, Cllr Ms S V Spence, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Total 40

Members voting against the motion:

None

Members abstaining:

None

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

C 17/16 SETTING THE COUNCIL TAX 2017/18

Item CB 17/20 referred from Cabinet minutes of 9 February 2017

It was proposed by Councillor M Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 17/20 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, 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 T Edmondston-Low, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr R V Roud, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole, Cllr Ms S V Spence, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Total 40

Members voting against the motion:

None

Members abstaining:

None

RESOLVED: That the recommendations at Minute CB 17/20 be approved and the Council Tax Resolution 2017/18, as set out as an Annex to these Minutes, be adopted.

C 17/17 APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to the report of the Director of Central Services regarding the appointment of a replacement trustee of Sir Thomas Smythe's Charity for the parish of St Stephen, Tonbridge following the retirement of Mrs Betty Keywood.

RESOLVED: That

- (1) Councillor D Cure be appointed as a local representative/trustee of Sir Thomas Smythe's Charity for the parish of St Stephen; and
- (2) a letter of appreciation be sent to Mrs Keywood in acknowledgement of her service over many years.

C 17/18 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 8.24 pm

COUNCIL TAX

DRAFT RESOLUTION

1. It be noted that on 14th February 2017 the Council calculated:
 - (a) the Council Tax Base 2017/18 for the whole Council area as 48,878.88 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")] and,
 - (b) for dwellings in those parts of its area to which one or more special items (Special expenses and or a Parish precept) relates as follows:

Tonbridge	13,408.94
Addington	386.67
Aylesford	4,098.45
Birling	198.15
Borough Green	1,616.04
Burham	450.02
Ditton	1,767.75
East Malling & Larkfield	4,931.70
East Peckham	1,279.50
Hadlow	1,498.29
Hildenborough	2,186.01
Ightham	1,093.73
Kings Hill	3,904.69
Leybourne	1,637.81
Mereworth	429.67
Offham	373.12
Platt	882.67
Plaxtol	584.11
Ryarsh	310.98
Shipbourne	251.80
Snodland	3,543.42
Stansted	258.42
Trottscliffe	266.83
Wateringbury	882.45
West Malling	1,111.40
West Peckham	176.29
Wouldham	486.88
Wrotham	863.09

2. £9,654,030 being the Council Tax requirement for the Council's own purposes for 2017/18 (excluding Parish precepts).

3. That the following amounts be calculated for the year 2017/18 in accordance with Sections 31 to 36 of the Act:

- (a) £85,616,532 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
- (b) £73,296,869 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £12,319,663 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
- (d) £252.04 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year including Parish precepts.
- (e) £3,442,642 being the aggregate amount of all special items (Special expenses and Parish precepts) referred to in Section 34(1) of the Act.
- (f) £181.61 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relate (this is the Council Tax for General Expenses to which Special expenses and Parish precepts are added as applicable).

(g) <u>Part of the Council's area</u>	Band D £
Tonbridge	232.06
Addington	245.62
Aylesford	238.26
Birling	233.42
Borough Green	284.56
Burham	237.30
Ditton	332.40
East Malling & Larkfield	244.14
East Peckham	291.47
Hadlow	255.34
Hildenborough	212.00
Ightham	288.54
Kings Hill	253.10
Leybourne	282.28
Mereworth	245.73
Offham	236.32
Platt	262.31
Plaxtol	247.06
Ryarsh	242.47
Shipbourne	222.10
Snodland	267.95
Stansted	267.75
Trottscliffe	243.45
Wateringbury	271.57
West Malling	288.60
West Peckham	212.24
Wouldham	254.95
Wrotham	278.41

being the amounts given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items (Special expenses and Parish precepts) relate.

(h)

Valuation Bands

<u>Part of the Council's area</u>	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Tonbridge	154.71	180.49	206.28	232.06	283.63	335.20	386.77	464.12
Addington	163.75	191.04	218.33	245.62	300.20	354.78	409.37	491.24
Aylesford	158.84	185.31	211.79	238.26	291.21	344.15	397.10	476.52
Birling	155.61	181.55	207.48	233.42	285.29	337.16	389.03	466.84
Borough Green	189.71	221.32	252.94	284.56	347.80	411.03	474.27	569.12
Burham	158.20	184.57	210.93	237.30	290.03	342.77	395.50	474.60
Ditton	221.60	258.53	295.47	332.40	406.27	480.13	554.00	664.80
East Malling & Larkfield	162.76	189.89	217.01	244.14	298.39	352.65	406.90	488.28
East Peckham	194.31	226.70	259.08	291.47	356.24	421.01	485.78	582.94
Hadlow	170.23	198.60	226.97	255.34	312.08	368.82	425.57	510.68
Hildenborough	141.33	164.89	188.44	212.00	259.11	306.22	353.33	424.00
Ightham	192.36	224.42	256.48	288.54	352.66	416.78	480.90	577.08
Kings Hill	168.73	196.86	224.98	253.10	309.34	365.59	421.83	506.20
Leybourne	188.19	219.55	250.92	282.28	345.01	407.74	470.47	564.56
Mereworth	163.82	191.12	218.43	245.73	300.34	354.94	409.55	491.46
Offham	157.55	183.80	210.06	236.32	288.84	341.35	393.87	472.64
Platt	174.87	204.02	233.16	262.31	320.60	378.89	437.18	524.62
Plaxtol	164.71	192.16	219.61	247.06	301.96	356.86	411.77	494.12
Ryarsh	161.65	188.59	215.53	242.47	296.35	350.23	404.12	484.94
Shipbourne	148.07	172.74	197.42	222.10	271.46	320.81	370.17	444.20
Snodland	178.63	208.41	238.18	267.95	327.49	387.04	446.58	535.90
Stansted	178.50	208.25	238.00	267.75	327.25	386.75	446.25	535.50
Trottscliffe	162.30	189.35	216.40	243.45	297.55	351.65	405.75	486.90
Wateringbury	181.05	211.22	241.40	271.57	331.92	392.27	452.62	543.14
West Malling	192.40	224.47	256.53	288.60	352.73	416.87	481.00	577.20
West Peckham	141.49	165.08	188.66	212.24	259.40	306.57	353.73	424.48
Wouldham	169.97	198.29	226.62	254.95	311.61	368.26	424.92	509.90
Wrotham	185.61	216.54	247.48	278.41	340.28	402.15	464.02	556.82

being the amounts given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted that for the year 2017/18 The Police & Crime Commissioner for Kent, the Kent & Medway Fire & Rescue Authority and the Kent County Council have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

<u>Precepting Authority</u>	<u>Valuation Bands</u>							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
The Police & Crime Commissioner for Kent	104.77	122.23	139.69	157.15	192.07	226.99	261.92	314.30
Kent & Medway Fire & Rescue Authority	48.90	57.05	65.20	73.35	89.65	105.95	122.25	146.70
Kent County Council	785.88	916.86	1,047.84	1,178.82	1,440.78	1,702.74	1,964.70	2,357.64

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4. above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2017/18, for each of the categories of dwellings shown below:

<u>Part of the Council's area</u>	<u>Valuation Bands</u>							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Tonbridge	1,094.26	1,276.63	1,459.01	1,641.38	2,006.13	2,370.88	2,735.64	3,282.76
Addington	1,103.30	1,287.18	1,471.06	1,654.94	2,022.70	2,390.46	2,758.24	3,309.88
Aylesford	1,098.39	1,281.45	1,464.52	1,647.58	2,013.71	2,379.83	2,745.97	3,295.16
Birling	1,095.16	1,277.69	1,460.21	1,642.74	2,007.79	2,372.84	2,737.90	3,285.48
Borough Green	1,129.26	1,317.46	1,505.67	1,693.88	2,070.30	2,446.71	2,823.14	3,387.76
Burham	1,097.75	1,280.71	1,463.66	1,646.62	2,012.53	2,378.45	2,744.37	3,293.24
Ditton	1,161.15	1,354.67	1,548.20	1,741.72	2,128.77	2,515.81	2,902.87	3,483.44
East Malling & Larkfield	1,102.31	1,286.03	1,469.74	1,653.46	2,020.89	2,388.33	2,755.77	3,306.92
East Peckham	1,133.86	1,322.84	1,511.81	1,700.79	2,078.74	2,456.69	2,834.65	3,401.58
Hadlow	1,109.78	1,294.74	1,479.70	1,664.66	2,034.58	2,404.50	2,774.44	3,329.32
Hildenborough	1,080.88	1,261.03	1,441.17	1,621.32	1,981.61	2,341.90	2,702.20	3,242.64
Ightham	1,131.91	1,320.56	1,509.21	1,697.86	2,075.16	2,452.46	2,829.77	3,395.72
Kings Hill	1,108.28	1,293.00	1,477.71	1,662.42	2,031.84	2,401.27	2,770.70	3,324.84
Leybourne	1,127.74	1,315.69	1,503.65	1,691.60	2,067.51	2,443.42	2,819.34	3,383.20
Mereworth	1,103.37	1,287.26	1,471.16	1,655.05	2,022.84	2,390.62	2,758.42	3,310.10
Offham	1,097.10	1,279.94	1,462.79	1,645.64	2,011.34	2,377.03	2,742.74	3,291.28
Platt	1,114.42	1,300.16	1,485.89	1,671.63	2,043.10	2,414.57	2,786.05	3,343.26
Plaxtol	1,104.26	1,288.30	1,472.34	1,656.38	2,024.46	2,392.54	2,760.64	3,312.76
Ryarsh	1,101.20	1,284.73	1,468.26	1,651.79	2,018.85	2,385.91	2,752.99	3,303.58
Shipbourne	1,087.62	1,268.88	1,450.15	1,631.42	1,993.96	2,356.49	2,719.04	3,262.84
Snodland	1,118.18	1,304.55	1,490.91	1,677.27	2,049.99	2,422.72	2,795.45	3,354.54
Stansted	1,118.05	1,304.39	1,490.73	1,677.07	2,049.75	2,422.43	2,795.12	3,354.14
Trottscliffe	1,101.85	1,285.49	1,469.13	1,652.77	2,020.05	2,387.33	2,754.62	3,305.54
Wateringbury	1,120.60	1,307.36	1,494.13	1,680.89	2,054.42	2,427.95	2,801.49	3,361.78
West Malling	1,131.95	1,320.61	1,509.26	1,697.92	2,075.23	2,452.55	2,829.87	3,395.84
West Peckham	1,081.04	1,261.22	1,441.39	1,621.56	1,981.90	2,342.25	2,702.60	3,243.12
Wouldham	1,109.52	1,294.43	1,479.35	1,664.27	2,034.11	2,403.94	2,773.79	3,328.54
Wrotham	1,125.16	1,312.68	1,500.21	1,687.73	2,062.78	2,437.83	2,812.89	3,375.46

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 1st March, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr R P Betts, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw and Cllr Miss S O Shrubsole

Councillors O C Baldock, N J Heslop, D Lettington, Mrs A S Oakley and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S M Barker and M A Coffin

PART 1 - PUBLIC

AP2 17/8 DECLARATIONS OF INTEREST

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

However, for reasons of transparency, Councillor Mrs Luck advised the Committee that, in respect of Application TM/16/02318/FL, she owned business premises within the High Street, West Malling. As this did not represent either an Other Significant Interest or Disclosable Pecuniary Interest there was no requirement to leave the meeting.

[Subsequent to this agenda item and prior to the discussion for application TM/16/03038/FL (Rose Cottage, Bull Lane, Wrotham) Councillor Perry became aware of an Other Significant Interest (OSI) on the grounds that he knew a member of the Applicant's immediate family. He immediately withdrew from the meeting and did not participate in the debate or vote on the application.]

AP2 17/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 25 January 2017 be approved as a correct record and signed by the Chairman.

DECISIONS TO BE TAKEN BY THE COMMITTEE

AP2 17/10 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-

requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP2 17/11 TM/16/01859/FL - DEVELOPMENT SITE, LONG POND WORKS, WROTHAM ROAD, BOROUGH GREEN

Demolition of 6 industrial buildings and construction of a replacement industrial unit and a flexible change of use within Use Classes B1, B2 and B8 as well as use by Robert Body Haulage for parking and maintenance of vehicles and office use as an administrative base at Development Site, Long Pond Works, Wrotham Road Borough Green.

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

It is considered that the overall economic benefits that would arise from the proposed development of this site amounts to a case of very special circumstances that clearly outweighs the substantial harm to the Green Belt caused by the inappropriate development and the other harm identified in accordance with the requirements set out in paragraphs 87 and 88 of the National Planning Policy Framework (2012).

Planning Permission was granted subject to the conditions set out in the report of the Director of Planning, Housing and Environmental Health and with the amendment of conditions 3, 8, 9 and 10 as follows:-

3. The premises shall be used for Class B1(b) or (c) Business use, B2, B8 or haulage (with ancillary office space for haulage in unit 1 only as hereby approved) only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: to protect the amenities of the neighbouring occupiers and to ensure that the development does not harm the character of the area or affect highway safety.

8. No part of the building(s) shall be occupied until the related areas shown on the submitted layout as turning and vehicle space for that part of the building have been provided, surfaced and drained. Thereafter those areas 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 or 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 this reserved turning and parking space.

Reason: Development without adequate vehicle turning and parking provision is likely to lead to hazardous on-street parking.

9. There shall be no deliveries to or from the site outside the hours of 0700 to 1900 Monday to Friday or 0700 to 1300 on Saturdays. The office premises shall not be in use outside the hours of 0630 to 1930 Mondays to Fridays or 0630 to 1330 on Saturdays. There shall be no deliveries or working Sundays or Public and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

10. No materials, plant or other equipment of any description shall be kept or stored in the open other than in areas and to such heights as may be approved in writing beforehand by the Local Planning Authority. The access road shall be kept clear of all materials, plant or other equipment and there shall be no vehicle parking on the access road.

Reason: To avoid obstruction of vehicle parking/turning areas and to ensure the character and appearance of the development and the locality is not significantly harmed.

[Speaker: Mr J Collins – Agent]

AP2 17/12 (A) TM/16/02318/FL AND (B) TM/16/02947/RD - BIG MOTORING WORLD, LONDON ROAD, ADDINGTON

(A) Section 73 application to vary condition 6 (Opening hours) of Planning Permission TM/10/00938/FL (Retrospective application for the change of use of the former Venture Café building, associated land and residential land for the display and sale of motor vehicles. Demolition of the existing bungalow, garage and office building (formerly Valrosa). Erection of a two storey extension to the former Venture Café building for office use in connection with the display and sale of motor vehicles. Provision of car parking and vehicle display areas.)

(B) Details submitted in pursuant to condition 7 (Lighting) of Planning Permission TM/10/00938/FL (Retrospective application for the change of use of the former Venture Café building, associated land and residential land for the display and sale of motor vehicles. Demolition of the existing bungalow, garage and office building (formerly Valrosa). Erection of a two storey extension to the former Venture Café building for office use in connection with the display and sale of motor vehicles. Provision of car parking and vehicle display areas.) at Big Motoring World, London Road, Addington, West Malling.

RESOLVED: That

In respect of Application (A) TM/16/02318/FL, Planning Permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

In respect of Application (B) TM/16/02947/RD, Planning Permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to

- (1) Substitution of the plan/document list at paragraph 7.2 of the main report with that set out in the supplementary report and repeated below:

Site Layout 1101/LG/101 Car Park Lighting received 13.02.2017, Lighting PM1437/15 REV B Report received 17.02.2017, Details LIGHTING DISTRIBUTION received 29.09.2016, Details LIGHTS received 29.09.2016, Other PICTURE LIGHTING received 29.09.2016, Letter JAC/SG/11758 received 29.09.2016, Drawing DHA/11758/SK01 Lighting Strategy received 29.09.2016, Email received 04.01.2016, subject to the conditions set out in the main report and

- (2) The amendment of Conditions 5 and 6

5. The business shall not be carried on outside the hours of 08.00 to 21:30 Mondays to Fridays and 08:00 to 18.00 on Saturdays, Sundays and Bank and Public Holidays, and the site shall be vacated by all persons by 21:30 Mondays to Fridays, unless otherwise approved by the Local Planning Authority. Reason: In the interests of the amenity of the area.

6. Within one month of the date of this decision, the external lighting scheme including any and all modifications shall be installed and made operational in strict accordance with the Lighting Report (ref.PM1437/15 Rev B) and Lighting Strategy (Drawing No. DHA/11758/SK01) approved under planning reference TM/16/02947/RD and retained at all times thereafter unless otherwise approved by the Local Planning Authority.

Reason: To minimise harm to the visual amenity of the locality.

[Speakers: Mr M Thompson and Mr D Garrett – members of the public; Mr J Collins – Agent]

AP2 17/13 TM/16/02592/FL - 52 HIGH STREET, WEST MALLING

Change of use of ground floor residential unit to Class A4 (Drinking Establishment) with associated external alterations to the building and installation of an Air Conditioning unit and condenser at 52 High Street, West Malling.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health subject to the addition of Informative

4. The applicant is strongly encouraged to take all reasonable steps to ensure patrons behave in an appropriate manner particularly when leaving the premises to ensure the residential neighbours do not experience any undue disturbance.

[Speakers: Mr R Selkirk – West Malling Parish Council; Mr P Trill – Architect to the Applicant]

AP2 17/14 TM/16/03038/FL - ROSE COTTAGE, BULL LANE, WROTHAM

Conversion of garage, loft conversion, installation of 4 No. dormer windows and installation of patio doors to west elevation of former annex to Park View House at Rose Cottage, Bull Lane, Wrotham.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mr A Garlinge – Applicant]

AP2 17/15 ALLEGED UNAUTHORISED DEVELOPMENT 16/00350/WORKM - THE BIRCHES, SANDY LANE, ADDINGTON

The report of the Director of Planning, Housing and Environmental Health set out details of an Alleged Unauthorised Development at The Birches, Sandy Lane, Addington.

RESOLVED: That an Enforcement Notice be ISSUED to seek the removal of the unauthorised extension and the infilling of the unauthorised foundations, the detailed wording of which to be agreed with the Director of Central Services.

AP2 17/16 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.08 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 6th March, 2017

Present: Cllr O C Baldock (Chairman), Cllr L J O'Toole (Vice-Chairman), Cllr M A C Balfour, Cllr P F Bolt, Cllr M A Coffin, Cllr N J Heslop, Cllr R V Roud and Cllr C P Smith

Councillors Mrs J A Anderson, M C Base, D Lettington, M Parry-Waller, H S Rogers and T C Walker were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell, Ms S V Spence and M Taylor

PART 1 - PUBLIC

GP 17/1 DECLARATIONS OF INTEREST

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

GP 17/2 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 20 October 2016 be approved as a correct record and signed by the Chairman.

GP 17/3 MINUTES OF ELECTORAL REVIEW WORKING GROUP

RESOLVED: That the Minutes of the meeting of the Electoral Review Working Group held on 22 November 2016 be received and noted.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 17/4 MEMBERS' ALLOWANCES

The report of the Management Team set out details of a review undertaken by the Joint Independent Remuneration Panel (IRP) on the Scheme of Members' Allowances and summarised the key recommendations arising from the Panel. Management Team advised that the recommendations of the Panel, if adopted, would produce a saving of circa £30,000 when compared to the budget included within the 2017/18 Estimates.


The Committee recognised the considerable work undertaken by the Panel in evaluating the role undertaken by Members and acknowledged

the case made for a reduction in the basic allowance. However, the Committee felt that it was neither appropriate nor fair to reduce the basic allowance mid-term and that the reduction should not be implemented until after the next Borough Council Election in 2019.

Members were reminded that, since the last review in 2013, the Council was now required to formally appoint a Deputy Leader on an annual basis and the report set out details of the Special Responsibility Allowance to be applied to this role.

Members recognised the value and role of the vice-chairmen and considered it appropriate to maintain an allowance to vice-chairmen based on 25% of the relevant chairman's allowance.

Following a comprehensive debate it was

RECOMMENDED: That, as summarised in the attached matrix at Annex 1, 

- (1) the Joint Independent Remuneration Panel's recommendations be accepted in full, effective after the Borough Council elections in 2019;
- (2) however, effective from the 2017 Annual Council and during the 'interim period' until the Borough Council elections in 2019:-
 - (a) the Basic Allowance remain at its current level of £5,283 and protected until after the next Borough Council Election in 2019;
 - (b) with regard to the Special Responsibility Allowances (SRA)
 - (i) the Leader's SRA remain at its current level of £18,384;
 - (ii) the SRA for the Deputy Leader be introduced and the figure for 2017/18 be £14,000;
 - (iii) the Opposition Leader's SRA be set at £2,250 (this being a flat sum of £1,250 per annum to recognise the collaborative way of working within the Council, plus £250 per member in the group);
 - (iv) Cabinet member's SRA remain at the current level of £8,400;
 - (v) the SRA in respect of chairmen of the Overview and Scrutiny, Licensing and Appeals, Joint Standards and Audit Committees be set at £2,500 per annum;

- (vi) the SRA in respect of chairmen of the three Area Planning Committees be set at £2,500 per chairman per annum;
 - (vii) the SRA in respect of chairmen of the General Purposes Committee and programmed Advisory Boards be set at £1,300 per annum;
 - (viii) with the exception of the Area Planning Committees, vice-chairmanship allowances for committees be retained and based on 25% of the relevant chairman's allowance until the Borough Council Election in 2019; and
 - (ix) the vice-chairmanship allowances for the Area Planning Committees be set at £325 per annum for each of the three vice-chairmen;
- (3) the level of Childcare and Dependent Carers Allowances be set as recommended by the JIRP;
 - (4) the level of Mileage Allowances and Subsistence Allowances be set as recommended by the JIRP;
 - (5) the principle of annual indexation of allowances in line with the staff pay award be retained. However, during the 'interim period' indexation should not apply; and
 - (6) it be confirmed that individual members should not receive more than one Special Responsibility Allowance (excluding group leaders)

***Referred to Council**

GP 17/5 LOCALISM ACT - PAY POLICY

The report of the Director of Central Services advised that the Localism Act 2011 required local authorities to review their pay policy statements for each financial year. The report summarised the requirements of the Act and presented an updated Pay Policy Statement for 2017/18. It was noted that there had been no changes in the Council's remuneration policy and the substantive content of the updated statement was identical to that adopted by the Council in February 2012.

RECOMMENDED: That the Pay Policy Statement 2017/18 set out in Annex 1 to the report be commended for adoption by the Council. ◀

*** Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3. PART 3 OF THE CONSTITUTION

GP 17/6 ANNUAL REVIEW OF WHISTLEBLOWING POLICY

The report of the Director of Finance and Transformation gave details of the outcome of the annual review of the Council's Whistleblowing Policy and its consideration by the Audit Committee on 23 January 2017. The Committee noted that the Policy, once approved, would be circulated to all staff with computer access and made available on the Council website.

RESOLVED: That the Whistleblowing Policy set out at Annex 1 to the report be approved.

MATTERS SUBMITTED FOR INFORMATION

GP 17/7 2018 REVIEW OF PARLIAMENTARY CONSTITUENCIES

The report of the Chief Executive confirmed details of the response made to the Boundary Commission for England to the consultation on the 2018 Review of Parliamentary Constituencies.

RESOLVED: That the report be received and noted.

GP 17/8 APPRENTICESHIP UPDATE

The report of the Director of Central Services set out details of national changes to apprenticeship funding and the application of 'apprenticeship targets' to public bodies from April 2017.

RESOLVED: That the report be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 17/9 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE**GP 17/10 ESTABLISHMENT CHANGES****(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)**

The report of the Director of Central Services presented for approval a number of establishment changes within the Exchequer team, Finance and Transformation Services arising from the on-going operational management of the Council's services. It was noted that the proposals would result in net savings of £39,431, which had been incorporated into the 2017/18 Estimates presented to the Finance, Innovation and Property Advisory Board on 4 January 2017.

RESOLVED: That the proposals and establishment adjustments set out in the report be endorsed as follows:

- (1) the hours of post DF0403 (Exchequer Services Manager, M8) be reduced from 37 to 22.5 hours per week with effect from 1 April 2017; and
- (2) the hours of post DF0404 (Payroll Officer, Grade 6/SO) be reduced from 37 to 21 hours per week with effect from 1 January 2017.

The meeting ended at 8.28 pm

Recommendations from GP Committee - Members' Allowances

Allowance	Effective: From Annual Council 2017 until BC Elections 2019	Effective: After Borough Council Elections 2019
	£	£
Basic Allowance	5,283	5,000
Special Responsibility (SRA):-		
Leader	18,384	20,000
Deputy Leader	14,000	15,000
Opposition Group Leader	2,250 #	2,250 #
Cabinet	8,400	8,500
Chair		
Overview & Scrutiny	2,500	2,500
Standards	2,500	2,500
Licensing & Appeals	2,500	2,500
General Purposes	1,300	1,600
Audit	2,500	2,500
Area Planning x 3	2,500	1,665
Programmed Advisory Board	1,300	1,600
Vice Chair		
Overview & Scrutiny	625	0
Standards	625	0
Licensing & Appeals	625	0
General Purposes	325	0
Audit	625	0
Area Planning x 3	325	333
Programmed Advisory Board	0	0

Note: Opposition Group Leader Allowance made up of £1,250 lump sum plus £250 per member of group. For illustrative purposes, figures above assume group composition remains the same.

- 1 Childcare and Dependent Carers Allowances be set as recommended by the JIRP
- 2 Mileage Allowances and Subsistence Allowances be set as recommended by the JIRP
- 3 Principle of annual indexation of allowances in line with the staff pay award be retained. However, during the 'interim' period (Annual Council 2017 to Borough Council elections 2019) indexation should not apply
- 4 Individual members should not receive more than one SRA (excluding group leaders)

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 14th March, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates (Vice-Chairman), Cllr O C Baldock, Cllr Mrs S M Barker, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr B T M Elks, Cllr Mrs F A Kemp, Cllr S M King, Cllr H S Rogers, Cllr R V Roud, Cllr A K Sullivan, Cllr M Taylor and Cllr F G Tombolis

Councillor N J Heslop was also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

LA 17/1 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct. However, Councillor Mrs J Anderson indicated that she was a taxi user and held an account with a local firm but had been advised that this did not constitute a Disclosable Pecuniary Interest so she remained and participated in the meeting.

LA 17/2 MINUTES

RESOLVED: That the minutes of the meeting of the Licensing and Appeals Committee held on 29 November 2016 be approved as a correct record and signed by the Chairman.

LA 17/3 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 15 December 2016 be received and noted.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 17/4 SEX ESTABLISHMENTS AND SEXUAL ENTERTAINMENT VENUES - POLICY FOR 2017-2020

Further to Minute LA 16/85, the report of the Director of Central Services and Monitoring Officer gave details of the outcome of the consultation in respect of the new Sex Establishments and Sexual Entertainment Venues Policy for 2017 - 2020. It was noted that Kent Police had requested that reference to Article 8 of the Human Rights Act 1998 (Right to a Private Life) be included under section 11 of the Policy.

RECOMMENDED: That the draft Statement of Policy set out at Annex A to the report be approved, incorporating the change outlined at Annex C (inclusion of Article 8 in section 11).

***Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/5 APPOINTMENTS OF STANDS FOR HACKNEY CARRIAGES

The report of the Director of Central Services and Monitoring Officer referred to the Council's power to appoint stands for hackney carriages within the Borough and to the two existing Regulations in place for the appointment of stands. Details were given of an Order made by Kent County Council to coincide with the improvement scheme on Tonbridge High Street resulting in the taxi stands in Avebury Avenue and Bradford Street being designated as Disabled Persons Parking Spaces. Since the Order had no legal effect in relation to the taxi stands, a new Regulation was presented for consideration to replace the two existing regulations and take into account the KCC Experimental Order. This also provided an opportunity to consolidate the existing provisions into a single regulation.

RESOLVED: That the draft Regulation set out at Annex 3 to the report be approved for consultation purposes subject to deletion of the reference to Botany, Tonbridge in Part 1 of the Schedule.

LA 17/6 REVIEW OF HACKNEY CARRIAGE FARES

In accordance with the commitment to review hackney carriage fares on an annual basis, the report of the Director of Central Services and Monitoring Officer invited the Committee to consider whether any increase in maximum fares was appropriate, the current schedule of authorised fares having applied from 7 January 2013. Details were given of the outcome of consultation with hackney carriage and dual badge licence holders on an increase proposed by Castle Cars, Tonbridge. Members were also advised of changes in fuel prices and consumer price indices. A table of proposed fare increase options was presented together with a comparison with other Kent authorities.

RESOLVED: That an increase in maximum fares, as set out in proposal 2 of the table at paragraph 1.4.5 of the report, be approved with effect from 1 May 2017 to allow for the statutory public consultation period and should any relevant objections be received, the matter be reported back to the Committee to consider whether to proceed with the proposed increase.

MATTERS SUBMITTED FOR INFORMATION**LA 17/7 UPDATE ON FEES AND CHARGES**

Members were advised that the proposed scale of fees and charges for hackney carriage and private hire licences approved by the Committee on 29 November 2016 (Minute LA 16/94) would take effect on 1 April 2017 as no comments had been received during the 28 day period of the formal notice.

RESOLVED: That the report be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE**LA 17/8 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 16th March, 2017

Present: Cllr Mrs S M Hall (Vice-Chairman in the Chair), Cllr M C Base, Cllr Mrs S Bell, Cllr T Bishop, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr D Keeley, Cllr S M King, Cllr D Lettington, Cllr D Markham, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr A K Sullivan, Cllr B W Walker and Cllr T C Walker

Councillors N J Heslop and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor M Parry-Waller (Chairman)

PART 1 - PUBLIC

AP3 17/12 DECLARATIONS OF INTEREST

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

AP3 17/13 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 2 February 2017 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP3 17/14 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP3 17/15 TM/16/03497/FL - DOWNS FARM, PILGRIMS WAY, WOULDHAM

Proposed change of use / conversion of existing offices to single residential unit at Downs Farm, Pilgrims Way, Wouldham.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Services, subject to

(1) Amended Conditions:

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C, D, E and F (inclusive) of Part 1 of Schedule 2 or Class A of Part 4 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of visual amenity on the site and its surroundings and wider views into the Area of Outstanding Beauty.

5. Prior to the first occupation of the dwelling hereby approved, a scheme of landscaping and boundary treatment showing additional planting to the western site boundary shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality and the wider views into the Area of Outstanding Natural Beauty.

(2) Additional Condition:

6. Prior to the first occupation of the dwelling hereby approved, the existing caravan and metal storage container sited to the north of the building shall be removed from the site identified on plan number 1229-01 REV A. At all times thereafter the land shall be kept available as vehicle parking space and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending revoking

and re-enacting that Order) shall be carried out on the land or in such a position to preclude vehicular access to the reserved parking area.

Reason: To ensure adequate parking provision and in the interests of visual amenity.

[Speakers: Wouldham Parish Council (Mrs N Grimes); Mr T Fulwell and Ms G Goode – members of the public]

PART 2 - PRIVATE

AP3 17/16 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.22 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 21st March, 2017

Present: Cllr N J Heslop (Chairman), Cllr M A Coffin, Cllr Mrs M F Heslop, Cllr D Lettington, Cllr H S Rogers and Cllr Miss S O Shrubsole

Councillors Mrs J A Anderson, O C Baldock, P F Bolt, D J Cure, Mrs S L Luck, A K Sullivan and T C Walker were also present pursuant to Access to Information Rule No 22.

PART 1 - PUBLIC

CB 17/30 DECLARATIONS OF INTEREST

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

CB 17/31 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 31 January 2017 be approved as a correct record and signed by the Chairman.

CB 17/32 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 9 February 2017 be approved as a correct record and signed by the Chairman subject to amendment of the list of attendees to include Councillor P Bolt.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 17/33 PUBLIC SPACE PROTECTION ORDER - CONSULTATION RESPONSES

Further to Decision No D170009CAB, the report of the Director of Central Services provided feedback on the responses received on the Public Space Protection Order (PSPO) consultation. An explanation was given of the application of the PSPO to parish council owned play areas, the position regarding existing byelaws and the "dogs on leads with direction" provision. Members discussed possible extensions to the PSPO at the three yearly review and requested clarification of the currency of evidence required in justifying each measure in time for the Council meeting.

RECOMMENDED: That the Public Space Protection Order for Tonbridge and Malling be adopted.

***Referred to Council**

**DECISIONS TAKEN IN ACCORDANCE WITH PARAGRAPH 4,
PART 3 OF THE CONSTITUTION**

CB 17/34 REVENUE AND BENEFITS - POTENTIAL SHARED SERVICE

Decision Notice D170030CAB

CB 17/35 POLICY ON MANAGING UNREASONABLE COMPLAINANT BEHAVIOUR

Decision Notice D170031CAB

CB 17/36 PLANNING APPLICATION FEES: THE GOVERNMENT'S OFFER

Decision Notice D170032CAB

CB 17/37 PARKING ACTION PLAN - PHASE 8A

(Item JTB 17/3 referred from Joint Transportation Board of 13 March 2017)

Decision Notice D170033CAB

MATTERS SUBMITTED FOR INFORMATION

CB 17/38 MATTERS REFERRED FROM ADVISORY BOARDS

The notes of the meetings of the following Advisory Boards were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Economic Regeneration Advisory Board of 22 February 2017
Communities and Housing Advisory Board of 28 February 2017
Planning and Transportation Advisory Board of 7 March 2017

RESOLVED: That the report be received and noted.

CB 17/39 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS

The Minutes of the meetings of the following Advisory Panels and other Groups were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Parish Partnership Panel of 16 February 2017
Tonbridge Forum of 27 February 2017
Joint Transportation Board of 13 March 2017

RESOLVED: That the report be received and noted.

CB 17/40 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

**DECISIONS TAKEN IN ACCORDANCE WITH PARAGRAPH 4,
PART 3 OF THE CONSTITUTION**

CB 17/41 CESSATION OF COUNCIL USAGE OF CO-OPERATIVE BANK

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

Decision Notice D170034CAB

CB 17/42 DEBTS FOR WRITE OFF

(LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information about an individual)

Decision Notice D170035CAB

CB 17/43 PROPOSED ACTION ON A LONG TERM EMPTY PROPERTY IN BURHAM

(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

(Item CH 17/14 referred from Communities and Housing Advisory Board minutes of 28 February 2017)

Decision Notice D170036CAB

The meeting ended at 8.43 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Economic
Regeneration**

**Decision No:
D170017MEM**

Date: 22 February 2017

Decision(s) and Reason(s)

Economic Regeneration Strategy Action Plan - Review and Update

(Report of the Chief Executive)

The report provided a detailed overview of the progress made in delivering the Economic Regeneration Strategy Action Plan during 2016. Overall, good progress was being made on a wide range of initiatives and these were set out in Annex 1 to the report.

It was indicated that ‘business advice and support’ would also offer guidance regarding the changes to business rates and the Borough Council would continue to lobby Government on behalf of local businesses.

Reference was made to the three year survival rates, set out in Annex 2 to the report, and it was suggested that comparisons throughout Kent and the United Kingdom be included in future to provide context.

Following consideration by the Economic Regeneration Advisory Board, the Cabinet Member for Economic Regeneration resolved that:

- (1) the Borough Council Economic Regeneration Strategy Action Plan update, as set out in Annex 1 to the report, be endorsed;
- (2) the amendments to the targets relating to certain indicators reflecting ‘previous performance, as set out in paragraph 1.2.7 of the report, be agreed; and
- (3) the priorities for 2017/18, as set out in paragraph 1.3.1 of the report, be agreed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 28 February 2017.

Signed Cabinet Member for
Economic Regeneration and
Leader N Heslop

Signed Chief Executive: J Beilby

Date of publication: 24 February 2017

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

Decision Taken By: Cabinet Member for Economic Regeneration

**Decision No:
D170018MEM**

Date: 22 February 2017

Decision(s) and Reason(s)

Skills and Work Readiness

(Report of Chief Executive)

The report provided feedback on the findings of the Skills Panel held in November 2016. A series of actions intended to contribute towards improving skills attainment and careers guidance were also set out.

In addition, proposals for new initiatives were outlined and included the establishment of an Enterprise Adviser Network, taster days and Make It Work and Speed Networking events.

Following consideration by the Economic Regeneration Advisory Board, the Cabinet Member for Economic Regeneration resolved that:

- (1) the feedback from the Skills Panel be noted; and
- (2) the proposed next steps and initiatives set out in paragraphs 1.3.1 – 1.3.7 of the report, and summarised above, be supported and endorsed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 28 February 2017.

Signed Cabinet Member for
Economic Regeneration and
Leader N Heslop

Signed Chief Executive: J Beilby

Date of publication: 24 February 2017

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Community Services

**Decision No:
D170019MEM**

Date: 28 February 2017

Decision(s) and Reason(s)

Playscheme - Review of Equality Impact Assessment

(Report of Chief Executive)

Further to Decision No D160084MEM, the report reviewed the Equality Impact Assessment (EQIA) in relation to the provision of Playscheme Plus for children with additional needs in the light of experience gained from the 2016 play scheme programme. This was an outstanding recommendation of the Overview and Scrutiny Committee review of delivery of the Council's Summer Playscheme and details were given of the uptake of Playscheme Plus in 2016.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Community Services resolved that:

Sufficient publicity be given to Playscheme Plus in 2017 and future years to ensure potential attendees are fully aware of the additional support being offered.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 28 February 2017.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 3 March 2017

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

Decision Taken By: Cabinet Member for Housing

**Decision No:
D170020MEM**

Date: 28 February 2017

Decision(s) and Reason(s)

Homelessness Reduction Bill

(Report of Director of Planning, Housing and Environmental Health)

The report gave details of proposed changes to homelessness legislation and provided an overview of the implications and potential risks to the Council. Reference was made to a new duty to prevent homelessness for all eligible applicants irrespective of priority need status and the extension of the period of the prevention duty from 28 to 56 days. It was anticipated that the changes would increase both in-house workloads and the use of temporary accommodation.

Concern was also expressed about the growing issue of out of London placements in Kent and its impact on the local housing market. A copy of a briefing note presented to Kent MPs on behalf of Kent Leaders and the Kent Housing Group was annexed to the report and Members would be updated in due course on the outcome of the resulting representations to be made to the Housing and Planning Minister.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Housing resolved that:

The Homelessness Reduction Bill be noted and actions taken by officers to date be endorsed together with the representations made to Kent MPs on out of London placements.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 28 February 2017.

Signed Cabinet Member for Housing S Shrubsole

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 3 March 2017

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

Decision Taken By: Cabinet Member for Housing

**Decision No:
D170021MEM**

Date: 28 February 2017

Decision(s) and Reason(s)

Housing Related Support Update

(Report of Director of Planning, Housing and Environmental Health)

The report provided an update on the former supporting people programme together with details of progress on development of opportunities for devolution and collaborative working within west Kent on housing related support. It also sought endorsement of a response to the Government's consultation on the Funding of Supported Housing which had been submitted by the 13 February 2017 deadline.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Housing resolved that:

The response to the Government's "Funding for Supported Housing" consultation set out at Annex 1 to the report be endorsed.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 28 February 2017.

Signed Cabinet Member for Housing S Shrubsole

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 3 March 2017

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

Decision Taken By: Cabinet Member for Community Services

**Decision No:
D170023MEM**

Date: 28 February 2017

Decision(s) and Reason(s)

Leisure Trust - Review of Charges and Annual Service Delivery

(Report of Director of Street Scene, Leisure and Technical Services)

The report brought forward for consideration proposed core charges for facilities managed on the Council's behalf by the Tonbridge and Malling Leisure Trust together with the Trust's proposed Annual Service Delivery Plan for 2017/18.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Community Services resolved that:

- (1) the proposed Tonbridge and Malling Leisure Trust Core Charges set out at Annex 1 to the report be approved and implemented from 1 April 2017;
- (2) the Tonbridge and Malling Leisure Trust draft Annual Service Delivery Plan for 2017/18 shown at Annex 2 to the report be approved; and
- (3) pitch hire charges at Tonbridge Sportsground be increased as outlined in the report for implementation from 1 April 2017.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 28 February 2017.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 3 March 2017

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

Decision Taken By: Cabinet Member for Community Services

Decision No: D170024MEM

Date: 28 February 2017

Decision(s) and Reason(s)

Leybourne Lakes Country Park - Facility Provision

(Report of Director of Street Scene, Leisure and Technical Services)

The report gave an update on progress with the Capital Plan scheme for improved facility provision at Leybourne Lakes Country Park and sought approval for the way forward. Reference was also made to the development of a new Management Plan for the site and the onsite Water Sports Concession.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Community Services resolved that:

- (1) the opportunity to generate appropriate new/additional income at Leybourne Lakes Country Park be endorsed and reflected in any future facility improvements;
- (2) Oaks Consultancy be appointed in accordance with its proposal set out at Annex 2 to the report to assist the Council in the business/financial appraisal of options linked to potential capital investment;
- (3) the approach to the production, consultation and approval of the new Leybourne Lakes Country Park Management Plan be endorsed with a report to a future meeting of the Advisory Board; and
- (4) liaison continue with identified individuals for the continuation of water sports activities in the short/medium term.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 28 February 2017.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 3 March 2017

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Strategic Planning and Infrastructure

**Decision No:
D170025MEM**

Date: 07 March 2017

Decision(s) and Reason(s)

National Policy Statement on Airports

(Report of Director of Planning, Housing and Environmental Health)

The report advised on the publication of the Government's National Policy Statement (NPS) on Airports, drawing on key issues of interest to the Borough.

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Strategic Planning and Infrastructure resolved that:

- (1) the Borough Council's support for meeting need for additional airport capacity at Heathrow and the Government's preferred option of the northwest runway be reaffirmed; and
- (2) the overall approach towards environmental mitigation measures in respect of the preferred option be supported by the Borough Council but the risks to deliverability as outlined in the report be noted.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 7 March 2017.

Signed Cabinet Member for
Strategic Planning and
Infrastructure

H Rogers

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

10 March 2017

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

Decision Taken By: Cabinet Member for Strategic Planning and Infrastructure

**Decision No:
D170026MEM**

Date: 07 March 2017

Decision(s) and Reason(s)

Kent County Council Freight Action Plan for Kent - Consultation (Draft)

(Report of the Director of Planning, Housing and Environmental Health)

A consultation draft Freight Action Plan for Kent setting out 5 specific actions on how the County Council and partners planned to reduce the impact of road freight on local communities had been produced by Kent County Council. Views on the draft document were sought by 12 March 2017. It was reported that the Freight Action Plan (FAP) acted as a 'daughter' document to the KCC Local Transport Plan 4.

Consideration was given to a proposed response to the consultation questionnaire, attached as Annex 1 to the report, which was generally supportive of the actions set out.

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Strategic Planning and Infrastructure resolved that:

- (1) the content of the report be endorsed; and
- (2) the Borough Council's proposed response to the consultation, as set out in Annex 1 to the report, be endorsed.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 7 March 2017.

Signed Cabinet Member for
Strategic Planning and
Infrastructure H Rogers

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 10 March 2017

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

Decision Taken By: Cabinet Member for Strategic Planning and Infrastructure

**Decision No:
D170027MEM**

Date: 07 March 2017

Decision(s) and Reason(s)

Kent Minerals and Waste Local Plan: Safeguarding Supplementary Planning Document (Draft - September 2016)

(Report of Director of Planning, Housing and Environmental Health)

The report sought endorsement of officer-level comments made in response to a draft mineral and waste infrastructure safeguarding Supplementary Planning Document (SPD) consultation held between 5 December 2016 and 30 January 2017. These were set out in Annex 1 to the report.

In addition, the principal Safeguarding Mineral Resources policy in the Kent Minerals and Waste Local Plan (Policy DM7) was set out for information in Annex 2 of the report.

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Strategic Planning and Infrastructure resolved that:

The officer-level comments made in response to the consultation on the County mineral and waste infrastructure safeguarding Supplementary Planning Document, set out in Annex 1 to the report, be endorsed.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 7 March 2017.

Signed Cabinet Member for Strategic Planning and Infrastructure H Rogers

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 10 March 2017

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

Decision Taken By: Cabinet Member for Strategic Planning and Infrastructure

**Decision No:
D170028MEM**

Date: 07 March 2017

Decision(s) and Reason(s)

The Housing White Paper

(Report of Director of Planning, Housing and Environmental Health)

The report summarised the main points arising from the recently published Housing White Paper 'Fixing Our Broken Housing Market' and highlighted those matters which might potentially have significant implications for the Local Plan and housing delivery through the planning system generally. The report also set out comments that could form the basis for a formal response to the Government which could be made up to 2 May 2017.

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Strategic Planning and Infrastructure, resolved that:

- (1) the summary of the Housing White Paper be noted; and
- (2) the comments in respect of the key points set out at paragraph 1.3 of the report form the basis of a response to Government by the consultation deadline of 2 May 2017.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 7 March 2017.

Signed Cabinet Member for
Strategic Planning and
Infrastructure

H Rogers

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

10 March 2017

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

Decision Taken By: Cabinet Member for Strategic Planning and Infrastructure

**Decision No:
D170029MEM**

Date: 07 March 2017

Decision(s) and Reason(s)

Local Plan Update

(Report of Director of Planning, Housing and Environmental Health)

The report provided an update on the preparation of the Local Plan, including an overview of the responses to the Regulation 18 consultations that closed in November 2016 and looked forward to the next stages of Plan making. Potential implications arising from the Housing White Paper were also reported.

A revised timetable for the Local Plan was attached for information and approval at Annex 1 to the report.

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Strategic Planning and Infrastructure resolved that:

- (1) the progress made on the Local Plan be noted; and
- (2) the revised timetable, set out at Annex 1 to the report, be agreed.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 7 March 2017.

Signed Cabinet Member for
Strategic Planning and
Infrastructure

H Rogers

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

10 March 2017

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet
Decision No: D170030CAB
Date: 21 March 2017

Decision(s) and Reason(s)

Revenue and Benefits - Potential Shared Service

(Report of Director of Finance and Transformation)

The report described progress towards a proposed shared Revenue and Benefits service between the Council and Gravesham Borough Council which would offer a number of service and efficiency benefits, contributing to the Savings and Transformation Strategy as well as improving resilience.

Reference was made to accommodation and IT issues and it was noted that a more detailed financial analysis of all elements and full staff consultation would be undertaken once both authorities had agreed to progress towards a fully shared service.

Members discussed potential scenarios in terms of the “hosting” of a combined Revenue and Benefits team and confirmed that none of these should prove to be a barrier in agreeing to the establishment of a shared service.

The Cabinet resolved that:

- (1) the establishment of a Shared Service for Revenue and Benefits between Tonbridge and Malling Borough Council and Gravesham Borough Council be approved as set out in the report;
- (2) the Director of Finance and Transformation, in liaison with the Cabinet Member for Finance, Innovation and Property and Leader, be authorised to progress detailed negotiations with Gravesham Borough Council accordingly;
- (3) Tonbridge and Malling Borough Council would prefer to be considered as the lead authority (and site provider) for the Shared Service and the Overview and Scrutiny Committee be advised accordingly for the purposes of the accommodation review;
- (4) the Director of Finance and Transformation be authorised to commence consultation and discussion with staff as appropriate;

- (5) the target implementation date of July 2018 be noted; and
- (6) further progress reports setting out detailed proposals for the implementation of the shared service be presented to either Finance, Innovation and Property Advisory Board, General Purposes Committee or directly to Cabinet as appropriate.

Reasons: As set out in the report of the Director of Finance and Transformation.

Signed Chief Executive: J Beilby

Date of publication: 24 March 2017

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

Decision Taken By: Cabinet
Decision No: D170031CAB
Date: 21 March 2017

Decision(s) and Reason(s)

Policy on Managing Unreasonable Complainant Behaviour

(Report of Director of Central Services)

The report presented proposed revisions to the existing policy adopted by the Council in relation to unreasonable or unreasonably persistent complainants. A copy of the updated guidance from the Local Government Ombudsman on managing unreasonable complainant behaviour was annexed to the report.

The Cabinet resolved that:

The revised policy on managing unreasonable complainant behaviour, as set out at Annex 3 to the report, be adopted.

Reasons: As set out in the report of the Director of Central Services.

Signed Chief Executive: J Beilby

Date of publication: 24 March 2017

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

Decision Taken By: Cabinet
Decision No: D170032CAB
Date: 21 March 2017

Decision(s) and Reason(s)

Planning Application Fees: the Government's Offer

(Report of Management Team)

The report gave details of a proposal from the Government to offer local authorities an increase in planning fees providing they committed to invest the whole additional income in their planning department. Approval was sought for action taken on behalf of the Council to accept the offer by the deadline of 13 March 2017.

The Cabinet resolved that:

- (1) retrospective approval be given to the urgent decision taken by the Management Team in liaison with the Leader, Cabinet Member for Finance, Innovation and Property and Cabinet Member for Strategic Planning and Infrastructure to accept the offer from the Department for Communities and Local Government (DCLG) to increase planning fees by 20% from July 2017; and
- (2) it be noted that the Director of Finance and Transformation submitted the required certified return to the DCLG prior to the deadline of 13 March 2017.

Reasons: As set out in the report of the Management Team.

Signed Chief Executive: J Beilby

Date of publication: 24 March 2017

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

Decision Taken By: Cabinet
Decision No: D170033CAB
Date: 21 March 2017

Decision(s) and Reason(s)

Parking Action Plan - Phase 8A

(Item JTB 17/3 referred from Joint Transportation Board minutes of 13 March 2017)

Consideration of recommendations to the Cabinet from the Joint Transportation Board of 13 March 2017.

The Cabinet resolved that:

The recommendations of the Joint Transportation Board be approved as follows:

- (1) the objection to the extension of the parking restriction within Cage Green Road, Tonbridge, be set aside and the restrictions, as advertised, be introduced;
- (2) in light of the level of response from residents and the potential for the resident of No 3 Offham Road to change their entrance to ease the access issues, the proposal to shorten the parking bays in respect of Offham Road, West Malling be abandoned and the existing on-street parking and yellow line restrictions be retained;
- (3) the objections to the revised proposal in respect of Norman Road, West Malling be set aside and the restrictions, as advertised, be introduced; and
- (4) the proposed changes to the draft Amendment 13 to the Borough Council's On-Street Traffic Regulation Order be made and the Order be sealed.

Reasons: As set out in the report submitted to the Joint Transportation Board of 13 March 2017.

Signed Chief Executive: J Beilby

Date of publication: 24 March 2017

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

Decision Taken By: Cabinet
Decision No: D170034CAB
Date: 21 March 2017

Decision(s) and Reason(s)

Cessation of Council Usage of Co-operative Bank

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Report of Director of Finance and Transformation)

The report advised that notice had been received from the Co-operative Bank that it would be withdrawing from the local government market from March 2018, affecting council taxpayers who used payment cards. A review of the Council's usage of the bank had been undertaken and consideration was given to possible alternatives and a recommended way forward.

The Cabinet resolved that:

- (1) the termination of the contract with Co-operative Bank by 31 December 2017 at the latest and withdrawal of payment cards as a method of payment be approved;
- (2) authority be delegated to the Director of Finance and Transformation and the Chief Executive, in liaison with the Cabinet Member for Finance, Innovation and Property, to implement termination of the contract at the appropriate time;
- (3) officers be authorised to contact all existing card holders giving them early warning of the withdrawal of the facility that will occur sometime during the calendar year 2017 and promote the alternative options; and
- (4) the preparation of a 'fast track capital plan evaluation' to expand the current payment facilities be agreed if required.

Reasons: As set out in the report of the Director of Finance and Transformation (contains exempt information).

Signed Chief Executive:

J Beilby

Date of publication: 24 March 2017

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

Decision Taken By: Cabinet
Decision No: D170035CAB
Date: 21 March 2017

Decision(s) and Reason(s)

Debts for Write Off

(LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information about an individual)

(Report of Director of Finance and Transformation)

The report sought approval of the writing-off of debts considered to be irrecoverable. Details were also given of debts under £1,000 which had been written-off in accordance with Financial Procedure Rule 17.2 together with cumulative totals of debts in the current and previous financial years and information on budgeted bad debt provision.

The Cabinet resolved that:

The 20 items shown in the schedule of amounts over £1,000, totalling £76,206.99 be written-off for the reasons stated within the schedule.

Reasons: As set out in the report of the Director of Finance and Transformation (contains exempt information).

Signed Chief Executive: J Beilby

Date of publication: 24 March 2017

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

Decision Taken By: Cabinet
Decision No: D170036CAB
Date: 21 March 2017

Decision(s) and Reason(s)

Proposed Action on a Long Term Empty Property in Burham

(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

(Item CH 17/14 referred from Communities and Housing Advisory Board minutes of 28 February 2017)

Consideration of recommendations to the Cabinet from the Communities and Housing Advisory Board of 28 February 2017

The Cabinet resolved that:

The recommendations of the Communities and Housing Advisory Board be approved as follows:

In the event of the owner of the property refusing to take steps to bring the property back into use by way of occupation or voluntary sale to another party for occupation, the making of a Compulsory Purchase Order be approved, subject to the Director of Central Services and Director of Planning, Housing and Environmental Health being satisfied of the results of the surveys and valuations described in the report.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 28 February 2017 (contains exempt information).

Signed Chief Executive: J Beilby

Date of publication: 24 March 2017

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

TONBRIDGE AND MALLING BOROUGH COUNCIL
MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS

INDEX

Item	Page (s)
1. 11 April: Council - Minute Numbers: C 17/19 – 32 - Annex: Members' Allowances	3 - 10
2. 12 April: Area 2 Planning Committee - Minute Numbers: AP2 17/17 - 23	11 - 14
3. 26 April: Licensing and Appeals Panels (3) - Minute Numbers: LA 17/18 – 26	15 - 22
4. 9 May: Licensing and Appeals Committee - Minute Numbers: LA 17/27 - 32	23 - 24
5. 16 May: Annual Council - Minute Numbers: C 17/33 - 47	25 - 36
6. 24 May: Area 2 Planning Committee - Minute Numbers: AP2 17/24 - 28	37 - 38
7. 26 June: General Purposes Committee - Minute Numbers: GP 17/11 - 17	39 - 44
8. 28 June: Cabinet - Minute Numbers: CB 17/44 - 51	45 - 46
9. Cabinet Decision Notices - D170037MEM – D170039MEM - D170040MEM – D170043MEM - D170044CAB – D170046CAB	47 - 62

10.	29 June: Area 1 Planning Committee - Minute Numbers: AP1 17/13 -	To Follow
11.	3 July: Audit Committee - Minute Numbers: AU 17/29 -	To Follow
12.	5 July: Area 2 Planning Committee - Minute Numbers: AP2 17/29 -	To Follow

NOTE: In the case of items containing exempt information, the report must remain confidential but details of the decisions need not remain confidential.

As part of the Council's environmental strategy, all Committee agenda, reports and minutes are produced with recycled paper and are available to view on line.

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 11th April, 2017

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 11th April, 2017

Present: His Worship the Mayor (Councillor M R Rhodes), the Deputy Mayor (Councillor R W Dalton), Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr Mrs P A Bates, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr M O Davis, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr D Lettington, Cllr B J Luker, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr Miss G E Thomas, Cllr F G Tombolis and Cllr T C Walker

Apologies for absence were received from Councillors Mrs J A Anderson, M C Base, Mrs S Bell, Mrs T Dean, R D Lancaster, R V Roud, C P Smith, M Taylor and B W Walker

PART 1 - PUBLIC

C 17/19 DECLARATIONS OF INTEREST

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

C 17/20 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 14 February 2017 be approved as a correct record and signed by the Mayor.

C 17/21 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since the last meeting he had attended a number of events throughout the Borough, including the Tonbridge Lions Dinner Dance, Tonbridge School's Combined Cadet Force Event, the Annual Concert of 17th Tonbridge Scout and Guide Band and the LAMPS Book Launch reception and show at Tonbridge School.

More recently he had opened a new subway at Tonbridge Station, attended lunches at Tonbridge Rotary and Age UK and taken a trip around Tenterden town.

The Mayor also shared his experience of participating in a local Pancake Race and he was pleased to announce the receipt of a medal for successfully completing the course.

C 17/22 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 17/23 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 17/24 LEADER'S ANNOUNCEMENTS

Reflecting upon the dreadful events in Westminster on 22 March 2017 where a police officer and four members of the public were killed and many more were injured, the Leader paid particular tribute to the Police but also recognised those other organisations which strived to maintain security and protect citizens.

The Leader was pleased that the Borough Council had marked its own respect to PC Keith Palmer in flying the flag at half-mast and in doing so reflected the bravery and dedication of individual police officers. The Leader advised that Tonbridge and Malling not only maintained close liaison with the police in many routine matters but there were occasions when this was done at a strategic level and in the days following the London attack the Chief Executive represented the Borough Council in a county wide multi-agency response.

Referring to other items, the Leader announced that through the West Kent Partnership the Borough Council had recently hosted a jobs and training fair at the Angel Centre. This had proved popular with twenty-nine employers attending and more than three hundred job seekers of all ages visiting.

The Borough Council's track record in collecting both Council Tax and Business Rates was amongst the highest in the county. The Director of Finance and Transformation had advised that the collection rates for the year 2016/17 were 99.03% for Council Tax and 99.19% for Business Rates.

The Leader made particular reference to the Litter Strategy for England, published by Government on Monday 10 April 2017, and was pleased to advise that a programme within Tonbridge and Malling was highlighted as an example of best practice. The main theme running through the Strategy was how many authorities, businesses and volunteers were using innovative new approaches to manage litter resources, educate and enforce to reduce littering.

The Larkfield Voluntary Litter Code was identified as an example of high street businesses working together to make their own high street more welcoming, thereby increasing footfall and creating vibrant shopping areas. The Leader congratulated all involved and was pleased that the code was now being taken up by other High Street businesses and areas within the Borough.

Finally, the Leader was delighted that improvements to River Walk in Tonbridge were completed and linked the High Street at one end and the Memorial Garden at the other. This project of externally funded investment into the town was greatly welcomed and was entirely supported from the Government's Local Growth Fund. The Leader also added that it was also an excellent example of joint working between the County and Borough Councils.

C 17/25 MEMBERS' ALLOWANCES

Item GP 17/4 referred from General Purposes Committee minutes of 6 March 2017.

In presenting the recommendation for approval, the Chairman of the Committee (Councillor Baldock) proposed the following amendment, which was seconded by Councillor Coffin:

- That the Special Responsibility Allowances for Vice-Chairmen of Committees, as set out in the first column of Annex 1 to GP 17/4 be replicated into the columns representing allowances effective after the Borough Council elections in 2019

Members voted in favour of this motion.

RESOLVED: That the recommendations at Minute GP 17/4 be approved, subject to the amendment proposed, seconded and agreed to continue Special Responsibility Allowances for Vice-Chairmen of Committees after 2019 (summarised in the schedule of Members' Allowances attached to the Minutes)

C 17/26 LOCALISM ACT - PAY POLICY

Item GP 17/5 referred from General Purposes Committee minutes of 6 March 2017.

RESOLVED: That the recommendations at Minute GP 17/5 be approved.

C 17/27 SEX ESTABLISHMENTS AND SEXUAL ENTERTAINMENT VENUES - POLICY FOR 2017-2020

Item LA 17/4 referred from Licensing and Appeals Committee minutes of 14 March 2017.

RESOLVED: That the recommendations at Minute LA 17/4 be approved.

C 17/28 PUBLIC SPACE PROTECTION ORDER - CONSULTATION RESPONSES

Item CB 17/33 referred from Cabinet minutes of 21 March 2017.

RESOLVED: That the recommendations at Minute CB 17/33 be approved.

C 17/29 AUDIT COMMITTEE ANNUAL REPORT

Item AU 17/18 referred from Audit Committee minutes of 3 April 2017.

RESOLVED: That the recommendations at Minute AU 17/18 be approved.

C 17/30 LOCAL CODE OF CORPORATE GOVERNANCE

Item AU 17/19 referred from Audit Committee minutes of 3 April 2017.

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

C 17/31 PROGRAMME OF MEETINGS 2017-18

The Director of Central Services presented a draft proposed programme of meetings for 2017/18. Details of arrangements for the remainder of this year, for 2018 and to the commencement of the municipal year 2018/19 were set out in the annex to the report.

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

C 17/32 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 8.00 pm

Members' Allowances

Recommendation of GP Committee meeting of 6 March 2017			Proposal made to Full Council meeting of 11 April 2017	
Effective: From AC 2017 until until BC Elections 2019	Effective: After BC Elections 2019	Allowance	Effective: From AC 2017 until BC Elections 2019	Effective: After BC Elections 2019
£	£		£	£
5,283	5,000	Basic Allowance	5,283	5,000
		Special Responsibility (SRA):-		
18,384	20,000	Leader	18,384	20,000
14,000	15,000	Deputy Leader	14,000	15,000
2,250	2,250	Opposition Group Leader	2,250	2,250
	#			#
8,400	8,500	Cabinet	8,400	8,500
		Chair		
2,500	2,500	Overview & Scrutiny	2,500	2,500
2,500	2,500	Standards	2,500	2,500
2,500	2,500	Licensing & Appeals	2,500	2,500
1,300	1,600	General Purposes	1,300	1,600
2,500	2,500	Audit	2,500	2,500
2,500	1,665	Area Planning x 3	2,500	1,665
1,300	1,600	Programmed Advisory Board	1,300	1,600
		Vice Chair		
625	0	Overview & Scrutiny x 2	625	625
625	0	Standards x 2	625	625
625	0	Licensing & Appeals	625	625
325	0	General Purposes	325	325
625	0	Audit	625	625
325	333	Area Planning x 3	325	325
0	0	Programmed Advisory Board	0	0

Note: Opposition Group Leader Allowance made up of £1,250 lump sum plus £250 per member of group. For illustrative purposes, figures above assume group composition remains the same.

- 1 Childcare and Dependent Carers Allowances be set as recommended by the JIRP
- 2 Mileage Allowances and Subsistence Allowances be set as recommended by the JIRP
- 3 Principle of annual indexation of allowances in line with the staff pay award be retained. However, during the 'interim' period (Annual Council 2017 to Borough Council elections 2019) indexation should not apply
- 4 Individual members should not receive more than one SRA (excluding group leaders)

SAVINGS AGAINST BUDGET: (assuming no changes to Committee and Board Structure)

- a. Full Savings accruing based on adoption of JIRP recommendations = £29,450 (immediate)
- b. Savings based on GP Committee Recommendations are:
 - Interim Period (May 17 to May 19) = £12,400
 - growing to: Post BC Election (after May 2019) = £29,450
- c. Savings based on new Proposals to Full Council are:
 - Interim Period (May 17 to May 19) = £12,400
 - growing to: Post BC Election (after May 2019) = £25,400

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 12th April, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison and Cllr T B Shaw

Councillors O C Baldock, N J Heslop and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S M Barker and Miss S O Shrubsole

PART 1 - PUBLIC

AP2 17/17 DECLARATIONS OF INTEREST

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

However, for reasons of transparency and to avoid the appearance of pre-determination and bias in the Committee's decision making, the Chairman advised that she would withdraw from the meeting for application TM/16/00990/FL (Land adjacent to Downsview, 8 Green Lane, Trottiscliffe) and would take no part in the discussion. The Vice-Chairman, Councillor S Jessel, chaired the meeting for this item.

In addition, for reasons of transparency, Councillor M Balfour reminded the Committee that he was the Cabinet Member for Environment and Transport at Kent County Council. As this did not represent either an Other Significant Interest or a Disclosable Pecuniary Interest there was no requirement to withdraw from the meeting.

AP2 17/18 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 1 March 2017 be approved as a correct record and signed by the Chairman.

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE
CONSTITUTION**

AP2 17/19 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. There were no supplementary reports tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP2 17/20 TM/16/00990/FL - LAND ADJACENT TO DOWNSVIEW, 8 GREEN LANE, TROTTISCLIFFE

Erection of a two-storey detached house at land adjacent to Downsview, 8 Green Lane, Trottiscliffe.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health subject to the addition of Informative

5. The applicant is reminded that the development must take place fully in accordance with the tree protection plan incorporated into approved drawing 16.1240.01 Rev.B.

[Speakers: Trottiscliffe Parish Council (Mr R Wallis – Chairman)]

AP2 17/21 TM/16/01753/FL - THE NURSERY, TAYLORS LANE, TROTTISCLIFFE

Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2 no. dog kennels and pens at The Nursery, Taylors Lane, Trottiscliffe.

RESOLVED: That consideration of the application be DEFERRED to allow Officers to obtain further evidence from the applicant and subsequently to seek further specialist advice on that evidence.

[Speakers: Trottiscliffe Parish Council (Mr R Wallis – Chairman)]

**AP2 17/22 TM/16/03581/FL - CHURCH HOUSE, STUMBLE HILL,
SHIPBOURNE**

Demolition of existing dwelling and construction of new two storey dwelling and detached double garage (Resubmission of TM/16/02494/FL) at Church House, Stumble Hill, Shipbourne.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mr H Sheraton – member of the public; Mrs L Heraty – Applicant]

AP2 17/23 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.42 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 26th April, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr M C Base and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/18 DECLARATIONS OF INTEREST

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

LA 17/19 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/20 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 06/2017

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel delayed the start of the meeting to allow the Applicant to attend but he failed to arrive. In the absence of the Applicant the Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be approved following the presentation of evidence that he had driven a licensed hackney carriage vehicle to the Council's offices at Kings Hill on 9 November 2016.

The Panel was advised that the Applicant had contravened s47 and s52 of the Town Police Clauses Act 1847 by driving a hackney carriage without a hackney carriage driver's licence and for failing to display a hackney carriage plate. Additionally, the Applicant had breached the Council's Policy Requirements by driving with no insurance or inadequate insurance for the vehicle.

The Panel had due regard to the report of the Director of Central Services but, in the absence of the Applicant, was unable to take into account any explanation or extenuating circumstances regarding his actions. The Panel therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be REFUSED on the basis that the Applicant was not a fit and proper person to hold the licence.

The meeting ended at 10.43 am
having commenced at 10.15 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 26th April, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr M C Base and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/21 DECLARATIONS OF INTEREST

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

LA 17/22 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/23 RENEWAL OF DUAL DRIVER'S LICENCE - CASE NO 04/2017

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether the holder of Dual Licence (Badge No 1244) should be allowed to renew his Driver's licence following his failure to produce the Disclosure and Barring Services Certificate to the Licensing Team within the prescribed timescale. The Panel was advised that the certificate had been supplied by the Applicant after publication of the agenda and had been checked by the Licensing Team. The Director of Central Services confirmed that there was no need for the Applicant to appear before the Licensing and Appeals Committee.

The Panel, therefore:

RESOLVED: That the application for the renewal of Dual Hackney Carriage and Private Hire Driver's Licence (Dual Badge No 1244) be

APPROVED on the basis that the Applicant was a fit and proper person to hold the licence.

The meeting ended at 11.34 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 26th April, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr M C Base and Cllr R V Roud

Together with representatives of the Licensing Authority, Mr S Thomas (Solicitor to the Applicant), Mr D Healy and Mr N Levantes (Joint Owners) and Mr D Benavent (Designated Premises Supervisor) and Mr R Byatt (Interested party)

PART 1 - PUBLIC

LA 17/24 DECLARATIONS OF INTEREST

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

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/25 APPLICATION FOR A NEW PREMISES LICENCE FOR AMANO LTD, 47 SWAN STREET, WEST MALLING

The Panel gave consideration to an application for a Premises Licence made by Amano Limited under Section 17 of the Licensing Act 2003 in respect of premises known as 'Amano' at 47 Swan Street, West Malling. The application related to the provision of late night refreshment and the supply of alcohol.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 3 to the report and the written representation received during the statutory consultation period (as set out at Annex 4 to the report). The Panel was advised that, with the exception of Planning Services, no representations had been received from the statutory consultees. Details of the concerns raised by Planning Services on 8 March 2017 were set out in paragraph 1.4.3 of the report.

The Panel listened carefully to the representations made by Mr S Thomas, Solicitor, on behalf of the applicant, Mr D Healy, and to the objections raised by Mr R Byatt on the grounds of public nuisance. The Panel felt it was particularly significant that there had been no representations received from the responsible authority for Environmental Health regarding potential noise nuisance or from the Police regarding crime and disorder.

The Panel was mindful of its obligations under Section 18(3) of the Licensing Act 2003, which stated that, having regard to the relevant representations, the Licensing Authority must take such of the steps set out in Section 18(4) (if any) as it considers appropriate for the promotion of the licensing objectives. The Panel had particular regard to the provisions of Chapter 9 of the amended guidance issued under Section 182 of the 2003 Act. Having had regard to the representations, both written and oral, and in accordance with the objectives contained within the Licensing Policy of Tonbridge and Malling Borough Council, the Licensing and Appeals Committee, sitting as a Panel

RESOLVED: That the Premises Licence be granted subject to the mandatory conditions as set out in the Licensing Act 2003, such conditions as are consistent with the operating schedule and to the following further conditions:-

Section i)	<p>Late Night Refreshment –</p> <p>Monday until Sunday from 23:00 hours until 24:00 hours Non Standard times – New Year’s Eve – 23:00 hours on New Year’s Eve until 05:00 hours on New Year’s Day.</p>
Section j)	<p>Supply of alcohol –</p> <p>Monday until Saturday from 10:00 hours until 24:00 hours: Sunday 10:00 hours until 23:00 hours for consumption both on and off the premises.</p>

Conditions:

1. On Fridays and Saturdays after 22:30 hours and until closing time the premises licence holder shall allocate a member of staff to monitor customers leaving the premises on foot or by taxi to ensure that any associated noise is kept to a minimum and any public nuisance is thereby prevented. It is accepted that such a person does not require SIA registration;
2. Signage to be installed requesting that customers respect the residential nature of the premises and that they leave in a quiet manner;
3. All windows adjacent to Police Station Road to be closed after 21:00 hours and all doors to remain closed except to provide access; and
4. No recycling of bottles be undertaken after 18:00 hours to prevent noise nuisance.

LA 17/26 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 1.50 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 9th May, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates (Vice-Chairman), Cllr O C Baldock, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr B T M Elks, Cllr Mrs F A Kemp, Cllr H S Rogers, Cllr A K Sullivan and Cllr F G Tombolis

Councillors N J Heslop and D Keers were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor S M King

PART 1 - PUBLIC

LA 17/27 DECLARATIONS OF INTEREST

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

LA 17/28 MINUTES

RESOLVED: That the minutes of the meeting of the Licensing and Appeals Committee held on 14 March 2017 be approved as a correct record and signed by the Chairman.

LA 17/29 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 16 March and 26 April 2017 be received and noted.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/30 OBJECTION TO HACKNEY CARRIAGE FARES SET ON 14 MARCH 2017

The report of the Director of Central Services and Monitoring Officer set out details of objections received to the proposed increase of Hackney Carriage Fares agreed at the meeting of the Licensing and Appeals Committee held on 14 March 2017 (Minute LA 17/6 refers). The Committee noted that the petition received from 84 Hackney Carriage Proprietors, set out at Annex 3 to the report, contained personal information which could only be considered in private.

The report set out details of the increase in flag fare proposed by the objectors together with an assessment of the impact this would have on yardage and cost. A number of Members expressed concern that the objectors had not understood the consequences of their proposal or the impact this may have on taxi users. The Director of Central Services advised that consultation with drivers on the Council's Hackney Carriage and Private Hire Licensing Policy was ongoing and would be reported to the next meeting of the Committee.

RESOLVED: That the increase in maximum fares, as agreed on 14 March 2017, be approved with effect from 19 May 2017.

MATTERS FOR CONSIDERATION IN PRIVATE

LA 17/31 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

LA 17/32 OBJECTION TO HACKNEY CARRIAGE FARES SET ON 14 MARCH 2017 - ANNEX 3

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

Annex 3 to the report of the Director of Central Services and Monitoring Officer contained details of the petition received in objection to the proposed increase in Hackney Carriage Fares (Minute LA 17/30 refers).

RESOLVED: That Annex 3 to the report of the Director of Central Services and Monitoring Officer be received and noted.

The meeting ended at 7.52 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 16th May, 2017

At the Statutory Annual Meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 16th May, 2017

Present: His Worship the Mayor (Councillor M R Rhodes), the Deputy Mayor (Councillor R W Dalton), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr D Keers, Cllr S M King, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr H S Rogers, Cllr R V Roud, Cllr T B Shaw, Cllr C P Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors Mrs F A Kemp, Miss J L Sergison and Miss S O Shrubsole

PART 1 - PUBLIC

C 17/33 ELECTION OF MAYOR

It was proposed by Councillor D Davis, seconded by Councillor N Heslop and

RESOLVED: That Councillor R W Dalton be elected Mayor for the ensuing municipal year.

The Mayor, having made and subscribed the statutory declaration of acceptance of office, was invested with the Badge and Chain of Office, assumed the Chair and thanked Members for his election.

C 17/34 VOTE OF THANKS TO RETIRING MAYOR

It was proposed by Councillor O Baldock, seconded by Councillor N Heslop and

RESOLVED: That the Council's sincere appreciation be recorded of the excellent manner in which the retiring Mayor, Councillor M R Rhodes, had performed his duties both in the Council Chamber and throughout the Borough during the preceding year.

C 17/35 ELECTION OF DEPUTY MAYOR

It was proposed by Councillor N Heslop, seconded by Councillor Miss G Thomas and

RESOLVED: That Councillor Mrs P A Bates be appointed Deputy Mayor for the ensuing municipal year.

The Deputy Mayor made and subscribed the statutory declaration of acceptance of office and thanked Members for her appointment.

C 17/36 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 11 April 2017 be approved as a correct record and signed by the Mayor.

C 17/37 MAYOR'S ANNOUNCEMENTS

The Mayor announced that he had appointed the Reverend Mike Hayes as his Chaplain and the Civic Service would be held at All Saints Church, Wouldham on Sunday 25 June. His nominated charities were Age UK Malling - Dementia Day Care Centre and Ellenor which supported families with terminally ill children and young people in their own homes.

The Mayor indicated that his Garden Party would be held at Hadlow College on 27 July and details would be advised in due course of further fundraising events.

C 17/38 ELECTION OF MEMBER FOR AYLESFORD NORTH AND WALDESLADE WARD

The Chief Executive as Returning Officer submitted the certificate of the result of the election held on 4 May 2017 to fill the vacancy for the Aylesford North and Walderslade Ward. Members were advised that Mr Des Keers (Conservative) had been duly elected as a Councillor to hold office until 2019.

C 17/39 POLITICAL BALANCE ARRANGEMENTS

The report of the Director of Central Services and Monitoring Officer set out details of the political balance arrangements required to be applied to the Council's committees, sub-committees, advisory boards and panels.

RESOLVED: That the composition of all committees, sub-committees, advisory boards and panels be approved in accordance with the table set out at paragraph 1.1.4 of the report and the Monitoring Officer make any consequential amendments to the Council's constitution in respect of political balance.

C 17/40 APPOINTMENT OF CABINET

The Leader presented details of the composition of the Cabinet.

RESOLVED: That it be noted that the Cabinet will comprise five Members (in addition to the Leader) with the responsibilities indicated:

Councillor M Coffin - Finance, Innovation and Property and Deputy Executive Leader

Councillor Mrs M Heslop – Community Services

Councillor D Lettington – Street Scene and Environment Services

Councillor H Rogers – Strategic Planning and Infrastructure

Councillor Miss S Shrubsole - Housing

The Economic Regeneration portfolio to be held by the Leader

C 17/41 APPOINTMENT OF COMMITTEES

RESOLVED: That appointments to the Committees of the Council for the ensuing municipal year be made as follows:-

Overview and Scrutiny Committee

Councillor Mrs J Anderson

Councillor M Base

Councillor P Bolt

Councillor J Botten

Councillor T Cannon

Councillor S Jessel

Councillor D Keers

Councillor Mrs F Kemp

Councillor Mrs S Luck

Councillor P Montague

Councillor Mrs A Oakley

Councillor M Rhodes

Councillor Ms S Spence

Councillor A Sullivan

Councillor M Taylor

Councillor Miss G Thomas

Councillor F Tombolis

Councillor T Walker

Licensing and Appeals Committee

Councillor Mrs J Anderson

Councillor O Baldock

Councillor Mrs S Barker

Councillor M Base

Councillor Mrs P Bates

Councillor Mrs B Brown

Councillor M Coffin

Councillor B Elks

Councillor D Keers

Councillor Mrs F Kemp

Councillor S King

Councillor H Rogers

Councillor R Roud

Councillor M Taylor

Councillor F Tombolis

General Purposes Committee

Councillor O Baldock	Councillor D Markham
Councillor M Balfour	Councillor L O'Toole
Councillor Mrs S Bell	Councillor S Perry
Councillor P Bolt	Councillor R Roud
Councillor M Coffin	Councillor C Smith
Councillor Mrs M Heslop	Councillor Ms S Spence
Councillor B Luker	Councillor M Taylor

Audit Committee

Councillor M Base	Councillor S Jessel
Councillor T Bishop	Councillor Mrs F Kemp
Councillor V Branson	Councillor S Perry
Councillor T Edmondston-Low	Councillor B Walker
Councillor B Elks	

Joint Standards Committee

Councillor Mrs P Bates	(Parish members to be appointed from a pool of nominated representatives)
Councillor Mrs S Bell	
Councillor R Betts	
Councillor Mrs B Brown	
Councillor D Cure	
Councillor D Davis	
Councillor Mrs T Dean	
Councillor T Edmondston-Low	
Councillor D Lettington	
Councillor P Montague	
Councillor Miss J Sergison	
Councillor C Smith	
Councillor Miss G Thomas	

A Hearing Panel will be appointed from members of the Joint Standards Committee as necessary.

Area 1 Planning Committee

Councillor Mrs J Anderson	Councillor Mrs M Heslop
Councillor O Baldock	Councillor N Heslop
Councillor Mrs P Bates	Councillor R Lancaster
Councillor P Bolt	Councillor M Rhodes
Councillor J Botten	Councillor H Rogers
Councillor V Branson	Councillor Miss J Sergison
Councillor D Cure	Councillor C Smith
Councillor M Davis	Councillor Ms S Spence
Councillor T Edmondston-Low	Councillor Miss G Thomas
Councillor B Elks	Councillor F Tombolis

(For the Wards of Cage Green; Castle; that part of the Hadlow and East Peckham Ward within the parish of Hadlow; Higham; Hildenborough; Judd; Medway; Trench; and Vauxhall)

Area 2 Planning Committee

Councillor Mrs J Anderson	Councillor P Montague
Councillor M Balfour	Councillor L O'Toole
Councillor Mrs S Barker	Councillor S Perry
Councillor R Betts	Councillor H Rogers
Councillor M Coffin	Councillor Miss J Sergison
Councillor S Jessel	Councillor T Shaw
Councillor Mrs F Kemp	Councillor Miss S Shrubsole
Councillor Mrs S Luck	Councillor M Taylor
Councillor B Luker	

(For the Wards of Borough Green and Long Mill; Downs and Mereworth; that part of the Hadlow and East Peckham Ward outside the parish of Hadlow; Kings Hill; Watringbury; West Malling and Leybourne; and Wrotham, Ightham and Stansted)

Area 3 Planning Committee

Councillor M Base	Councillor D Keers
Councillor Mrs S Bell	Councillor S King
Councillor T Bishop	Councillor D Lettington
Councillor Mrs B Brown	Councillor D Markham
Councillor T Cannon	Councillor Mrs A Oakley
Councillor R Dalton	Councillor M Parry-Waller
Councillor D Davis	Councillor R Roud
Councillor Mrs T Dean	Councillor A Sullivan
Councillor S Hammond	Councillor B Walker
Councillor D Keeley	Councillor T Walker

(For the Wards of Aylesford North and Walderslade; Aylesford South; Burham and Wouldham; Ditton; East Malling; Larkfield North; Larkfield South; Snodland East and Ham Hill; and Snodland West and Holborough Lakes)

C 17/42 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

RESOLVED: That appointment of the Chairman and Vice-Chairman of each Committee, Board, Panel and Group for the ensuing municipal year be made as follows:-

<u>COMMITTEE</u>	<u>CHAIRMAN</u>	<u>VICE-CHAIRMAN</u>
Overview and Scrutiny Committee	Councillor A Sullivan	Councillor Mrs A Oakley Councillor Ms S Spence

Licensing and Appeals Committee	Councillor Mrs J Anderson	Councillor Mrs S Barker
General Purposes Committee	Councillor O Baldock	Councillor L O'Toole
Audit Committee	Councillor V Branson	Councillor M Base
Joint Standards Committee	Councillor Miss J Sergison	Councillor D Cure Councillor D Davis
Area 1 Planning Committee	Councillor R Lancaster	Councillor V Branson
Area 2 Planning Committee	Councillor Mrs F Kemp	Councillor S Jessel
Area 3 Planning Committee	Councillor M Parry Waller	Councillor D Markham
Parish Partnership Panel	Councillor N Heslop	Councillor M Coffin
Tonbridge Forum	Councillor N Heslop	Councillor C Smith
Communities and Housing Advisory Board	Councillor P Montague	Councillor Mrs B Brown
Economic Regeneration Advisory Board	Councillor B Luker	Councillor F Tombolis
Finance, Innovation and Property Advisory Board	Councillor S King	Councillor B Walker
Planning and Transportation Advisory Board	Councillor D Davis	Councillor T Edmondston-Low
Street Scene and Environment Services Advisory Board	Councillor M Davis	Councillor D Keeley
Electoral Review Working Group	Councillor N Heslop	Councillor M Balfour

Housing Associations Liaison Panel	Councillor Miss S Shrubsole	
Joint Employee Consultative Committee	Councillor M Coffin	Councillor M Balfour
Joint Transportation Board	Councillor H Rogers	Vice-chairmanship with KCC

C 17/43 APPOINTMENT OF ADVISORY PANELS AND BOARDS AND OTHER MEMBER GROUPS

RESOLVED: That appointments to the Advisory Panels, Boards and other Member Groups of the Council for the ensuing municipal year be made as follows:-

PANEL/BOARD

MEMBERS

Parish Partnership Panel

Councillor Mrs J Anderson
Councillor Mrs S Barker
Councillor R Betts
Councillor T Cannon
Councillor M Coffin *
Councillor R Dalton
Councillor N Heslop **
Councillor D Lettington
Councillor B Luker
Councillor D Markham
Councillor R Roud
Councillor T Shaw
Councillor B Walker

Tonbridge Forum

Councillor Mrs J Anderson
Councillor O Baldock
Councillor Mrs P Bates
Councillor P Bolt
Councillor V Branson
Councillor D Cure
Councillor Mrs M Heslop
Councillor N Heslop **
Councillor R Lancaster
Councillor M Rhodes
Councillor C Smith*
Councillor Miss G Thomas
Councillor F Tombolis

Communities and Housing
Advisory Board

Councillor Mrs J Anderson
Councillor Mrs S Barker
Councillor Mrs S Bell
Councillor V Branson
Councillor Mrs B Brown*
Councillor D Cure
Councillor R Dalton
Councillor S Hammond
Councillor D Keeley
Councillor Mrs S Luck
Councillor P Montague**
Councillor Mrs A Oakley
Councillor L O'Toole
Councillor M Parry-Waller
Councillor T Shaw
Councillor Ms S Spence

Economic Regeneration
Advisory Board

Councillor M Base
Councillor R Betts
Councillor T Bishop
Councillor J Botten
Councillor T Cannon
Councillor S Jessel
Councillor S King
Councillor R Lancaster
Councillor Mrs S Luck
Councillor B Luker**
Councillor L O'Toole
Councillor Miss J Sergison
Councillor C Smith
Councillor F Tombolis*
Councillor B Walker
Councillor T Walker

Finance, Innovation and
Property Advisory Board

Councillor Mrs S Bell
Councillor R Betts
Councillor T Bishop
Councillor J Botten
Councillor V Branson
Councillor Mrs B Brown
Councillor T Cannon
Councillor D Cure
Councillor M Davis
Councillor S Jessel
Councillor S King**
Councillor R Lancaster
Councillor Miss J Sergison
Councillor A Sullivan
Councillor F Tombolis
Councillor B Walker*

Planning and
Transportation Advisory
Board

Councillor M Balfour
Councillor Mrs S Barker
Councillor P Bolt
Councillor V Branson
Councillor D Davis**
Councillor M Davis
Councillor T Edmondston-Low*
Councillor B Elks
Councillor D Keers
Councillor Mrs F Kemp
Councillor R Lancaster
Councillor M Parry-Waller
Councillor S Perry
Councillor R Roud
Councillor A Sullivan
Councillor M Taylor

Street Scene and
Environment Services
Advisory Board

Councillor Mrs J Anderson
Councillor O Baldock
Councillor M Balfour
Councillor M Davis **
Councillor Mrs T Dean
Councillor S Hammond
Councillor D Keeley*
Councillor D Keers
Councillor D Markham
Councillor L O'Toole
Councillor S Perry
Councillor M Rhodes
Councillor T Shaw
Councillor Ms S Spence
Councillor Miss G Thomas
Councillor T Walker

Electoral Review Working
Group

Councillor O Baldock
Councillor M Balfour*
Councillor M Coffin
Councillor Mrs T Dean
Councillor N Heslop **
Councillor D Lettington
Councillor D Markham
Councillor P Montague
Councillor A Sullivan

Housing Associations
Liaison Panel

Councillor Mrs J Anderson
Councillor M Davis
Councillor D Keeley
Councillor Mrs A Oakley
Councillor Miss S Shrubsole**

Joint Employee Consultative Committee	Councillor O Baldock Councillor M Balfour * Councillor R Betts Councillor T Bishop Councillor P Bolt Councillor Mrs B Brown Councillor M Coffin ** Councillor D Keers Councillor B Luker
Joint Transportation Board	Councillor D Davis Councillor Mrs F Kemp Councillor R Lancaster Councillor D Lettington Councillor M Parry-Waller Councillor H Rogers** Councillor M Taylor
Chairmanship with TMBC, Vice-Chairmanship with KCC in 2017/18	
** Denotes Chairman * Denotes Vice-Chairman	

C 17/44 APPOINTMENT TO OUTSIDE BODIES

RESOLVED: That appointments to serve on outside bodies for the ensuing municipal year be made as follows:-

<u>NAME OF BODY</u>	<u>REPRESENTATIVE(S)</u>
Kent County Playing Fields Association	Councillor Mrs M Heslop
Age UK Sevenoaks and Tonbridge	Councillor D Cure Councillor Ms S Spence
Age Concern (Malling)	Councillor B Luker
Citizens Advice in North and West Kent	Mrs S Murray
Maidstone and District Care Committee for Chest, Heart and Stroke	Councillor S Hammond
West Kent Relate	Councillor Ms S Spence
Action with Communities in Rural Kent	Councillor R Dalton Councillor Miss J Sergison
Maidstone Mediation Scheme	Councillor Mrs B Brown

Tourism South East / Visit Kent	Councillor Mrs M Heslop
Education Area Briefings	Councillor Mrs M Heslop
Kent Downs AONB Joint Advisory Committee	Councillor H Rogers
Basted Mill Public Open Space Joint Committee	Councillor R Betts Councillor S Perry
Snodland Partnership	Councillor Mrs S Bell Councillor D Keeley Councillor D Lettington
South East England Councils (Leaders' Forum)	Councillor N Heslop (Substitute: Councillor M Coffin)
Youth and Community Centres/Project Management Committees	Councillor Mrs M Heslop
LGA General Assembly	Councillor N Heslop (Substitute: Councillor M Coffin)
West Kent Partnership	Councillor B Luker
Parking and Traffic Regulations Outside London Adjudication Joint Committee	Councillor D Davis (Deputy: Councillor T Edmondston-Low)
Rochester Airport Consultative Committee	Councillor A Sullivan
Maidstone and Tunbridge Wells NHS Trust Community Involvement Group	Councillor Mrs M Heslop
Kent and Medway Police and Crime Panel	Councillor N Heslop
Kent Flood Risk Management Board	Councillor H Rogers
Tonbridge and Malling Leisure Trust	Councillor R Betts Councillor M Davis
Upper Medway Internal Drainage Board	Councillor H Rogers Mr D Aikman Mr J Cannon Mr M Dobson

Lower Medway Internal Drainage Board
(1 rep from TMBC plus 1 nominee from TMBC or Medway Council to be agreed by all councils)

Councillor D Davis
Mr J Gore (second nominee)

Haysden Country Park User Panel
(3 year appointment 2016/17 – 18/19)

Councillor P Bolt
Councillor D Cure

Leybourne Lakes Country Park User Panel
(3 year appointment 2016/17 – 18/19)

Councillor T Bishop
Councillor B Luker

C 17/45 SCHEME OF DELEGATIONS

Members were invited to confirm the Scheme of Delegations in compliance with the Constitution.

RESOLVED: That

- (1) those parts of the Scheme of Delegations set out in Part 3 of the Constitution which are for the Council to approve be confirmed;
- (2) the Leader's recommendations for decision making by individual executive Members set out in Part 3 of the Constitution be adopted; and
- (3) the current scheme of delegation to officers in respect of executive functions set out in Part 3 of the Constitution be re-adopted.

C 17/46 PROGRAMME OF MEETINGS 2017/18

The programme of Council, Cabinet, Committee and Advisory Board and Panel meetings for the ensuing year and to May 2019 was presented for approval.

RESOLVED: That the programme of meetings be approved.

C 17/47 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 8.08 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 24th May, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr M A C Balfour, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr S C Perry, Cllr H S Rogers, Cllr T B Shaw and Cllr M Taylor

Councillor N J Heslop was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs J A Anderson, Mrs S M Barker, L J O'Toole and Miss J L Sergison

PART 1 - PUBLIC

AP2 17/24 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct. However, for reasons of transparency Councillor M Balfour reminded the Committee that he was the Cabinet Member for Environment and Transport at Kent County Council. As this did not represent either an Other Significant Interest or a Disclosable Pecuniary Interest there was no requirement to withdraw from the meeting.

AP2 17/25 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 12 April 2017 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP2 17/26 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under

the relevant planning application shown below.

AP2 17/27 TM/16/03763/FL - QUARRY HOUSE, 81 QUARRY HILL ROAD, BOROUGH GREEN

Demolition of existing office building and the erection of 10 residential dwellings. Access from existing Quarry Hill Roundabout, provision of public open space, works associated with de-culverting and diversion of the watercourse, sustainable urban drainage systems; associated landscaping, infrastructure and earthworks at Quarry House, 81 Quarry Hill Road, Borough Green.

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

- (1) The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in paragraphs 89 and 90 of the National Planning Policy Framework 2012. The proposed development insofar as it relates to Plots 9 and 10 comprises inappropriate development which is by definition harmful to the Metropolitan Green Belt. In addition, these dwellings which are proposed on an open, undeveloped part of the site would cause clear material harm to the open nature and function of the Green Belt. No very special circumstances exist which would be sufficient to clearly outweigh the degree of harm caused to the Metropolitan Green Belt. As such, the proposed development is contrary to the requirements of Section 9 of the National Planning Policy Framework 2012 and Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.

[Speakers: Dr M Simons (on behalf of Borough Green Medical Centre), Mrs T Dawson (Member of the Public) and Mr H Edwards (on behalf of the applicant)]

AP2 17/28 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 26th June, 2017

Present: Cllr O C Baldock (Chairman), Cllr L J O'Toole (Vice-Chairman), Cllr P F Bolt, Cllr M A Coffin, Cllr D Markham, Cllr S C Perry, Cllr R V Roud, Cllr C P Smith, Cllr Ms S V Spence and Cllr M Taylor

Councillors Mrs J A Anderson, N J Heslop, D Lettington, Mrs A S Oakley, M R Rhodes, H S Rogers and A K Sullivan were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M A C Balfour, Mrs S Bell and Mrs M F Heslop

PART 1 - PUBLIC

GP 17/11 DECLARATIONS OF INTEREST

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

GP 17/12 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 6 March 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 17/13 HUMAN RESOURCES STRATEGY UPDATE

The report of the Director of Central Services presented an updated Human Resources Strategy which provided an overview of the Council's approach to managing its employees. Details were given of progress in achieving the improvement priorities in the Strategy for 2016/17 together with actions to be implemented in the period April 2017 – March 2018 (the Workforce Development Plan). The updated strategy also contained the statutory equality monitoring required by the Equality Act 2010.

RECOMMENDED: That the outcomes of the equality monitoring reported in Section 4 of the Human Resources Strategy, as set out in Annex 1 to the report, be noted and the actions listed in Section 5 thereof be commended to the Council.

*** Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

GP 17/14 AMENDMENTS TO THE FLEXIBLE RETIREMENT POLICY

The report of the Director of Central Services presented a revised Flexible Retirement Policy containing a number of amendments in the light of recent experience of operating the policy, particularly in circumstances where an employee elected to defer payment of all or part of their pension entitlement.

RESOLVED: That the amendments to the Flexible Retirement Policy, set out in the revised Policy at the Annex to the report, be approved.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 17/15 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 17/16 REVENUES AND BENEFITS - SHARED SERVICE

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

Further to Decision No D170030CAB, the report of the Management Team advised the Committee of progress with the implementation of the Shared Service for Revenues and Benefits. Details were given of the outcome of discussions of the Project Board, comprising key staff from both Tonbridge and Malling and Gravesham Borough Councils, regarding the hosting of the Service. Reference was also made to representations received from staff and Unison. This resulted in a recommendation that the Service should be located at Kings Hill with Tonbridge and Malling designated as the lead authority. Members were advised that, pending the formulation of the Legal Agreement between the two authorities, there was a working assumption that TUPE would apply for the service model proposed.

It was noted that the Finance, Innovation and Property Advisory Board had recently considered a report focusing on issues relating to IT and digital services.

RECOMMENDED: That

- (1) the location of the Service at the Tonbridge and Malling Borough Council offices at Kings Hill be agreed, noting that existing Gravesham Borough Council revenues and benefits staff will relocate to Kings Hill;
- (2) it be agreed that Tonbridge and Malling Borough Council (TMBC) will become the lead authority and, subject to the written confirmation requested from Gravesham Borough Council (GBC), noted that it is GBC's intention to delegate the revenues and benefits function to TMBC which will become the service provider to GBC;
- (3) subject to final confirmation, it be acknowledged that TUPE will apply for the service model that is proposed;
- (4) it be noted that the Legal Agreement between TMBC and GBC for this service will be progressed over the coming months; and
- (5) thanks be recorded to all involved in the considerable amount of work in progressing the Shared Service during the time of dealing with the snap General Election.

***Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

GP 17/17 ESTABLISHMENT CHANGES

(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The report of the Director of Central Services presented for approval a number of establishment changes arising from the on-going operational management of the Council's services.

A supplementary report by the Director of Planning, Housing and Environmental Health, circulated in advance of the meeting, gave details of a proposed new structure within the Health Team arising from the establishment of the West Kent Preventative Health Partnership between the West Kent district councils and Kent County Council.

RESOLVED: That the proposals and establishment adjustments set out in the report be endorsed as follows:

- (1) the post of DC Admin Support Team Leader (DJ0124), 30 hours per week, grade M8 and the post of DC Admin Support Deputy Team Leader (DJ0125), 37 hours per week, scale 5/6 be re-designated Technical Manager and Senior Technical Officer respectively with effect from 3 July 2017;
- (2) the posts of Planning Technicians, Appeals & Enforcement Officer and Planning Clerks (DJ0114, DJ0116, DJ0117, DJ0119, DJ0121, DJ0128, DJ0129, DJ0139, DJ0142, DJ0143) be deleted with effect from 2 July 2017;
- (3) ten new posts be created of Planning Technical Officer, six at 37 hours per week, one at 33.5 hours per week, one at 27 hours per week, one at 24 hours per week and one at 22 hours per week, with effect from 3 July 2017;
- (4) the post of Planning Clerk (DJ0141), 22 hours per week, be deleted with effect from 2 July 2017, on that date the employment contract of Samantha Cox be terminated on the grounds of redundancy and her redundancy payment be calculated in accordance with the Council's Reorganisation, Redundancy and Redeployment Procedure;
- (5) the hours of the post of Housing Technical Officer (DV0904) be reduced from 37 to 22.2 per week with effect from 1 June 2017;
- (6) a sum of £16,392 accruing from the reduction in hours of post DV0904 be ring-fenced pending a review of the Housing Team;
- (7) the hours of the post of Head of Waste and Street Scene (DG0006) be reduced from 37 to 22.2 per week with effect from 1 June 2017;
- (8) the post of Street Scene Manager (DG2001), 37 hours per week, be re-graded from M8 to M7 with effect from 1 June 2017;
- (9) the posts of Health Improvement Manager (DV0201), Health Improvement Co-ordinator (DV0202), Health Improvement Assistant (DV0203) and Health Improvement Administrative Assistant (DV0299) be deleted from the establishment with effect from 30 September 2017 and new posts of Health Team Leader (grade Senior Officer), and One You Advisors (Scale 5) (x 2) be established with effect from 1 October 2017; and
- (10) any further amendments arising from staff consultation on the proposals at (9) above and the evaluation of the Partnership Administrator post be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the

Director of Central Services, the final structure of the future Health Team to be reported to the next meeting of the General Purposes Committee for information.

The meeting ended at 8.12 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Wednesday, 28th June, 2017

Present: Cllr N J Heslop (Chairman), Cllr M A Coffin, Cllr Mrs M F Heslop, Cllr D Lettington, Cllr H S Rogers and Cllr Miss S O Shrubsole

Councillors Mrs J A Anderson, O C Baldock, P F Bolt, Mrs A S Oakley, M R Rhodes, R V Roud and A K Sullivan were also present pursuant to Access to Information Rule No 22.

PART 1 - PUBLIC

CB 17/44 DECLARATIONS OF INTEREST

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

CB 17/45 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 21 March 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 17/46 REVENUES AND BENEFITS - SHARED SERVICE

Item FIP 17/17 referred from Finance, Innovation and Property Advisory Board minutes of 21 June 2017

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting on 21 June 2017 concerning IT and digital provision in relation to the implementation of the Shared Service for Revenues and Benefits between the Council and Gravesham Borough Council.

RECOMMENDED: That

- (1) the evaluation (assuming costs for a third party phase 2 option) set out at Annex 1 to the report be approved;
- (2) the Capital Plan and Revenue Budget be updated accordingly; and
- (3) the capital and one-off revenue costs be met from the Transformation Reserve.

***Referred to Council**

**DECISIONS TAKEN IN ACCORDANCE WITH PARAGRAPH 4,
PART 3 OF THE CONSTITUTION**

CB 17/47 REVENUE AND CAPITAL OUTTURN 2016/17

Decision Notice D170044CAB

CB 17/48 DELEGATED AUTHORITY - COMPLAINTS

Decision Notice D170045CAB

**CB 17/49 INTRODUCTION OF CHARGES FOR FOOD HYGIENE RATING
SCHEME RE-INSPECTION REQUESTS ON A COST RECOVERY
BASIS**

Decision Notice D170046CAB

MATTERS SUBMITTED FOR INFORMATION

CB 17/50 MATTERS REFERRED FROM ADVISORY BOARDS

The notes of the meetings of the following Advisory Boards were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Street Scene and Environment Services Advisory Board of 20 June 2017

Finance, Innovation and Property Advisory Board of 21 June 2017

RESOLVED: That the report be received and noted.

CB 17/51 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.23 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Street Scene and Environment Services

**Decision No:
D170037MEM**

Date: 20 June 2017

Decision(s) and Reason(s)

Waste Services Contract Retender

(Report of Director of Street Scene, Leisure and Technical Services)

The report indicated that the current waste services contract for refuse, recycling and street cleansing was due to expire in February 2019. Details were given of the proposed retendering process, opportunities for partnership working with other local authorities and the potential for service improvements, efficiencies and savings.

Following consideration by the Street Scene and Environment Services Advisory Board, the Cabinet Member for Street Scene and Environment Services resolved that:

- (1) the Nominal Optimal Method (NOM) of collection, including the separate fortnightly collection of garden waste as outlined in section be approved as the preferred option for retender of the Waste Services Contract to be reflected in the drafting of the Service specification;
- (2) the principle of introducing a charge for the separate collection of garden waste on an "opt in" basis be noted, with further details being reported to a future meeting of the Advisory Board;
- (3) the Memorandum of Understanding attached at Annex 2 to the report be endorsed and it be noted that this forms the basis of a more detailed Inter Authority Agreement (IAA), to be considered by the Advisory Board later this year;
- (4) the proposed "Open Tender Procedure" with pre-procurement contractor engagement be approved; and
- (5) it be noted that further details on proposed standards and levels of service for inclusion within the Contract Specification will be reported to a future

meeting of the Advisory Board for consideration.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 20 June 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 June 2017

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

Decision Taken By: Cabinet Member for Street Scene and Environment Services

**Decision No:
D170038MEM**

Date: 20 June 2017

Decision(s) and Reason(s)

Environmental Health Performance 2016/17

(Report of Director of Planning, Housing and Environmental Health)

The report summarised the operational activities of the Council in relation to its statutory Environmental Health functions undertaken by the Environmental Protection Team and Food Safety Team for 2016/17.

Following consideration by the Street Scene and Environment Services Advisory Board, the Cabinet Member for Street Scene and Environment Services resolved that:

The performance information relating to activities associated with the food safety and environmental protection functions in 2016/17 be noted and the service improvements for 2017/18, as detailed in paragraphs 1.4.1 and 1.4.2 of the report, be endorsed.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 20 June 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 June 2017

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D170040MEM**

Date: 21 June 2017

Decision(s) and Reason(s)

Applications for Discretionary Rate Relief

(Report of Director of Finance and Transformation)

The report gave details of new and renewal applications for discretionary rate relief and discretionary rural rate relief which were considered in accordance with the previously agreed criteria for determining such applications.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

- (1) in respect of the re-applications, discretionary rate relief and discretionary rural rate relief be awarded as set out at Annexes 3 and 4 to the report respectively, with effect from 1 April 2017 (except in the case of Tonbridge Juddians RFC where relief be awarded from 6 April 2016) and time limited to 31 March 2018; and
- (2) the new application for discretionary rate relief be determined as follows:

Mereworth Village Hall Committee, Mereworth Village Hall, 149 Butchers Lane, Mereworth – no discretionary rate relief be awarded.

[Councillor N Heslop declared an Other Significant Interest as a member of the Board of the Bridge Trust and withdrew from the meeting during consideration of item (1)]

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 June 2017.

Signed Cabinet Member for
Finance, Innovation and
Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 June 2017

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D170041MEM**

Date: 21 June 2017

Decision(s) and Reason(s)

Financial Planning and Control

(Report of Director of Finance and Transformation)

The report provided information on the Council's key budget areas of salaries, major income streams and investment income for the year ended 31 March 2017. It also gave details of the variations agreed in relation to the revenue budget, summarised to provide an overall budget outturn position for 2016/17 which showed a net favourable variance of £43,153.

Details were provided of variations identified through budget monitoring in respect of 2017/18 which showed a net favourable variance of £145,300. Reference was also made to the progress made towards meeting this year's savings target of £650,000 and the challenge that this presented over the coming months. An update was also given on capital expenditure and variations agreed in relation to the capital plan.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The contents of the report be noted and endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 June 2017.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 June 2017

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D170042MEM**

Date: 21 June 2017

Decision(s) and Reason(s)

Business Rates Relief Scheme

(Report of Director of Finance and Transformation)

The report provided an overview of the Department for Communities and Local Government consultation paper regarding proposals on the design and implementation of the locally administered Business Rates Relief Scheme. A copy of the response agreed with the Cabinet Member for Finance, Innovation and Property and Chairman of the Advisory Board for submission by the consultation deadline of 7 April 2017 was set out in an annex to the report. It was noted that clarification had been sought as to whether the administration of the scheme would be covered under the New Burdens Doctrine.

An outline was given of the approach to be taken in administering and designing the local scheme and delegated authority was sought to agree the scheme to be adopted.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

Authority be delegated to the Director of Finance and Transformation, in conjunction with the Leader, Cabinet Member for Finance, Innovation and Property and Chairman of the Advisory Board, to agree the locally administered business rates relief scheme to be adopted by the Council.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 June 2017.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 June 2017

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D170043MEM**

Date: 21 June 2017

Decision(s) and Reason(s)

Debts for Write Off

**(LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information
about an individual)**

(Report of Director of Finance and Transformation)

Approval of the writing-off of debts considered to be irrecoverable. Details were also given of debts under £1,000 which had been written-off in accordance with Financial Procedure Rule 17.2 together with cumulative totals of debts in the current and previous financial years and information on budgeted bad debt provision.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The 31 items shown in the schedule of amounts over £1,000, totalling £312,700.75 be written-off for the reasons stated within the schedule.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 June 2017 (contains exempt information).

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 June 2017

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet
Decision No: D170044CAB
Date: 28 June 2017

Decision(s) and Reason(s)

Revenue and Capital Outturn 2016/17

(Joint report of Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance, Innovation and Property)

In accordance with the Council's Financial Procedure Rules, a report and accompanying information was presented showing actual Revenue and Capital Outturn for the year ended 31 March 2017 together with subsequent adjustments to the Accounts in the light of the outturn position.

It was noted that compared with the revised estimates, the overall outturn showed a favourable variance of £43,153 the principal reasons for which were explained. These included management savings on the salary bill and better than budgeted performance in the major income streams, offset by the contribution to two specific earmarked reserves.

In the context of the outturn, Cabinet was apprised of current progress with the Council's Savings and Transformation Strategy, including those areas where risk in meeting targets was apparent. Officers also pointed to areas of potential budget pressure arising from legislative change and unavoidable growth in service demands. It was clear that a focus on efficiency and innovation needed to be sustained in all areas of service provision and income generation.

The report also contained an annual Treasury Management and Investment Strategy review for 2016/17 as required by the adopted CIPFA Code of Practice.

The Cabinet resolved that:

- (1) the Revenue and Capital Outturn for the year 2016/17 be noted and endorsed;
- (2) the action taken following a review of specific earmarked reserves, as set out at paragraph 1.2.3 of the report, be noted and endorsed; and
- (3) the Treasury Management and Investment Strategy Review 2016/17, as set out at Annex 3 to the report, be noted and endorsed.

Reasons: As set out in the joint report of the Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance, Innovation and Property.

Signed Chief Executive: J Beilby

Date of publication: 30 June 2017

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

Decision Taken By: Cabinet
Decision No: D170045CAB
Date: 28 June 2017

Decision(s) and Reason(s)

Delegated Authority - Complaints

(Report of Director of Central Services and Monitoring Officer)

Following a recent audit review of the complaints procedure, the report recommended changes to the Constitution to ensure that officers were able to effectively discharge the duties and powers of the Council in relation to authorisation of compensation payments or other measures recommended by the Local Government Ombudsman.

The Cabinet resolved that:

The Monitoring Officer be authorised to amend the Constitution to give effect to the changes outlined in the report.

Reasons: As set out in the report of the Director of Central Services and Monitoring Officer.

Signed Chief Executive: J Beilby

Date of publication: 30 June 2017

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

Decision Taken By: Cabinet
Decision No: D170046CAB
Date: 28 June 2017

Decision(s) and Reason(s)

Introduction of Charges for Food Hygiene Rating Scheme Re-inspection Requests on a Cost Recovery Basis

(Item SSE 17/5 referred from Street Scene and Environment Services Advisory Board minutes of 20 June 2017)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 20 June 2017.

The Cabinet resolved that:

The recommendations of the Street Scene and Environment Services Advisory Board be approved as follows:

The introduction of a charge of £160 for a Food Hygiene Rating Scheme re-inspection be approved.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 20 June 2017.

Signed Chief Executive: J Beilby

Date of publication: 30 June 2017

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

TONBRIDGE AND MALLING BOROUGH COUNCIL
MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS

INDEX

Item	Page (s)
1. 11 July: Council - Minute Numbers: C17/48 - 62	3 - 10
2. 13 July: Area 3 Planning Committee - Minute Numbers: AP3 17/17 - 22	11 - 14
3. 28 July: Licensing and Appeals Panels (3) - Minute Numbers: LA 17/33 - 41	15 - 20
4. 4 August: Licensing and Appeals Panels (2) - Minute Numbers: LA 17/42 - 47	21 - 24
5. 16 August: Area 2 Planning Committee - Minute Numbers: AP2 17/36 - 40	25 - 26
6. 24 August: Area 3 Planning Committee - Minute Numbers: AP3 17/23 - 29	27 - 28
7. 4 September: Audit Committee - Minute Numbers: AU 17/40 - 48	29 - 32
8. 27 September: Area 2 Planning Committee - Minute Numbers: 17/41 - 46	33 - 36
9. 28 September: Licensing and Appeals Committee - Minute Numbers: LA 17/48 - 52	37 - 38
10. 4 October: Licensing and Appeals Panels (3) - Minute Numbers: LA 17/53 - 61	39 - 44

11.	11 October: Cabinet - Minute Numbers: CB 17/52 - 64	45 - 48
12.	Cabinet Decision Notices - D170047MEM – D170049MEM - D170050MEM – D170053MEM - D170054MEM – D170056MEM - D170057MEM – D170058MEM - D170059MEM – D170062MEM - D170063MEM – D170065MEM - D170066CAB – D170070CAB	49 - 86
13.	26 October: Area 1 Planning Committee (To Follow) - Minute Numbers: AP1 17/19 -	87 - 88

NOTE: In the case of items containing exempt information, the report must remain confidential but details of the decisions need not remain confidential.

As part of the Council's environmental strategy, all Committee agenda, reports and minutes are produced with recycled paper and are available to view on line.

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 11th July, 2017

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 11th July, 2017

Present: His Worship the Mayor (Councillor R W Dalton), the Deputy Mayor (Councillor Mrs P A Bates), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr S M Hammond, Cllr N J Heslop, Cllr D Keeley, Cllr D Keers, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, 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 C P Smith, Cllr A K Sullivan, Cllr M Taylor, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors M A C Balfour, T I B Cannon, M O Davis, Mrs M F Heslop, S R J Jessel, Mrs F A Kemp, S M King, B J Luker, Miss S O Shrubsole and Ms S V Spence

PART 1 - PUBLIC

C 17/48 DECLARATIONS OF INTEREST

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

C 17/49 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 16 May 2017 be approved as a correct record and signed by the Mayor.

C 17/50 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since the Annual Council meeting he or the Deputy Mayor had attended around 65 engagements including school fetes, plays and award presentations. He commented on the amount of talent within the Borough and highlighted an outstanding performance of "Beauty and the Beast" by the students of Hillview School who had

offered to put on a smaller event for Age UK Dementia Day Care Centre near Christmas.

The Mayor mentioned a range of memorable events, in particular the Royal Garden Party, the Tonbridge Lions and Snodland Carnivals, the opening of the Tree of Hope charity in Tonbridge, the Primary Schools Kwik Cricket Festival and the Heusenstamm Friendship School Reception. He also thanked those who had attended his Civic Service and reminded Members of the forthcoming Garden Party at Hadlow College on 27 July. The Mayor's Quiz would be hosted at the Guy Salmon Jaguar dealership at Aylesford on a date to be confirmed.

C 17/51 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 17/52 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:

“Addressed to Chief Executive

- (1) If the outcome of the Parish Standards Panel Hearing 12/13 June is a recommendation back to the Standards Committee, or more properly the Parish Council involved, why has the draft "Formal Letter to Councillor Taylor" already been released into the Public Domain, long before BGPC had the opportunity to ratify and adopt the recommendation on 3 July? Specifically Kent Online report 29 June 2017 (copy attached).
- (2) Why did the Monitoring Officer brief TMBC's Barrister to the Panel about a hypothetical future Standards Complaint, no such complaint having been lodged or advised to date?"

To which the Chief Executive replied as follows:

“At the Panel hearing on 12 and 13 June 2017, the Standards Hearing Panel found that Cllr Taylor had breached the Borough Green Parish Council Code of Conduct. It resolved as follows:

- (1) The Panel's findings be reported to Borough Green Parish Council and the Parish Council be invited to issue Cllr Taylor with a formal censure for obstructing the Headmaster.
- (2) A formal letter be sent to Cllr Taylor on behalf of the Hearing Panel.

- (3) The Panel's findings be published by publication on the TMBC website, by email to the local press, the clerk to Borough Green Parish Council and members of Borough Green Parish Council.

The first of these is a recommendation to Borough Green PC, so therefore requires ratification by the Parish Council. The second and third elements of the sanctions are not recommendations to the Parish Council, nor do they require approval by either the Joint Standards Committee or the full Council of Tonbridge & Malling Borough Council. In accordance with paragraphs 4.1(j) and (l) of the Hearing Panel Procedure, they are sanctions that may be imposed by the Hearing Panel itself.

Under the Hearing Panel Procedure, once a Hearing Panel has made a decision, a summary of the panel's decision and recommendations, and the reasons for those decisions and recommendations, is published on the Council's website within 10 days.

Furthermore, the Borough Council is under a duty to make available to the public agendas, decisions and documents relating to proceedings of all of its committees and sub-committees, including the hearing panel, to the extent they do not disclose exempt information.

The Monitoring Officer did not brief the Council's barrister about a 'hypothetical future Standards Complaint'. Rather, the barrister was advised of an existing complaint against Cllr Taylor, in which the complainant has requested that their identity remain confidential. Whilst details of the complaint have not currently been disclosed to Cllr Taylor, I am aware that the Monitoring Officer explained to Cllr Taylor after the hearing that this position would be reviewed in the event that the complaint were to proceed to investigation."

C 17/53 PETITION - KEEP RIVER LAWN GREEN

The report of the Management Team gave details of a petition submitted on behalf of the "Keep River Lawn Green" organisation in relation to intended disposals of land owned by the Council at River Lawn Road and 1 – 4 River Walk, Tonbridge. At the time of the initial submission the petition had 1,576 signatories and satisfied the requirement under the adopted Petition Scheme that petitions containing more than 1,500 signatures should be debated by the Full Council. By the date of publication of the Council agenda the Barden Residents Association submitted an electronic copy of the petition on behalf of Keep River Lawn Green with 1,617 signatories together with a separate paper petition containing a further 1,601 signatures. The petition called upon the Council to "stop their plans to sell off River Lawn and old CAB building in River Walk until a proper public consultation has been held".

Mr M Hood, as the organiser of the petition, addressed the Council and in accordance with Council Procedure Rule No 5.17.4, Ms L Athey was also permitted to speak. Members then discussed the matter, a motion to suspend the 15 minute time limit for debate specified in the Petition Scheme having been defeated. It was noted that as the issue raised in the petition was one on which the Cabinet was required to make the final decision, the role of the Council was to consider whether to make any recommendations to inform that decision.

It was proposed by Councillor R Lancaster, seconded by Councillor B Elks and

RESOLVED: That the Council invites Cabinet to note the petition in respect of the open space at River Lawn when considering responses to the consultation on the disposal of the larger area of open space on this site. Council is mindful that a decision to proceed with the disposal of 1 – 4 River Walk was taken by Cabinet on 9 February 2017. Having carefully considered the matters raised in the petition, no recommendations are made to Cabinet on this disposal.

C 17/54 LEADER'S ANNOUNCEMENTS

Incidents

The Leader referred to the appalling events of the Manchester bombing, the attacks on London Bridge and surrounding area and at Finsbury mosque and then the Grenfell Tower fire, each of which had ended innocent lives, wrecked families and individuals and left affected communities in shock. He advised that in respect of the terrorist attacks, the Chief Executive ensured that the Council took part in Kent wide strategic briefings led by the Police and was guided by them in reviewing the safety of events, the Council's own service delivery and community issues within the Borough area.

Turning to the awful fire at Grenfell Tower, the Leader wanted to assure Members that the Director of Planning, Housing and Environmental Health had also ensured that the Council worked with partners across Kent, both in the social rented sector and also with private landlords. He had advised there were no similar tower blocks to Grenfell within the Borough. Whilst the Borough Council was not a housing stock-holding authority and had no direct responsibility in that regard, contact had been made with all Housing Association (HA) partners to ensure they were following due diligence in their role as 'responsible person' in ensuring that fire safety duties under the relevant regulations were fulfilled. The Leader was pleased to report that the feedback received from the Housing Associations thus far was that they were undertaking various reviews of their buildings and fire risk assessments and most were carrying out direct contact with their tenants. Liaison with each HA would be maintained and practical assistance offered where appropriate and possible.

Members were also informed that the Council was working in liaison with Kent Fire and Rescue Service (KFRS). In particular, an exercise had been undertaken to identify all residential buildings in the Borough of four storeys and over to assist with the overall assessment of risk by KFRS and also by landlords. Most of these buildings were in private ownership although there were some owned or managed by the Housing Associations.

The Council Private Sector Housing team was also working with KFRS to undertake joint visits where necessary as part of their high rise reassurance campaign. Whilst the Council's focus had been primarily on buildings in residential use, other key buildings had also featured in the consideration, such as West Kent College where there was contact with the College's property department. The next task was to identify any use of insulated cladding systems on those buildings although the Leader pointed out that it was not entirely straight forward because the Borough Council may not have been the Building Control Authority for all the buildings under consideration. Members were advised that staff were fielding multiple requests for information from a number of agencies which was keeping the Building Control team busy.

In addition the Council was reviewing its own fire risk measures and would formally review the strategic fire risk assessments in buildings which it occupied or those which were used by partners, such as the Leisure Trust, once further findings from the Grenfell enquiry were available. The Leader indicated that this might lead to some changes to practice and in some cases some small works. If anything more significant emerged it would be considered very carefully for attention.

Elections

Since the last full Council, the Kent County Council elections took place and then there was the General Election. The Leader commented on the challenge that both had presented to staff across the whole Borough Council and he thanked the Chief Executive and the staff for the smooth running of both elections.

Savings and Transformation Strategy

The Leader referred to the recognition that there was no one simple solution to addressing the very significant financial challenges faced by the Council. The Savings and Transformation Strategy, adopted by the full Council, provided a structure, a clear focus and a direction in addressing the significant challenges ahead. Members were aware that there was an identified target to deliver savings and/or generate new income streams within a relatively short timetable. When the budget was set by the Council in February 2017 the projected funding gap was £1.6M and the initial savings target set at £650,000 to be achieved and delivered by 1 April 2018.

The Finance, Innovation and Property Advisory Board had recently learnt that progress continued to be made towards meeting the savings target for this year, for example by the renegotiation of the services fee to Tonbridge and Malling Leisure Trust. However, the Leader highlighted the stark reality that there was still some way to go in identifying further savings that would contribute to meeting this year's target – let alone the remainder of the funding gap of £950,000. He said that the risk was that failure to identify and deliver those savings would put the Council on the edge of a financial precipice; somewhere it had never been and would not wish to go.

The Leader stated that it was important to recognise that the funding gap and thus the savings targets now faced were despite the fact that the Council had delivered over £3M in savings over the last four to five years. That in itself was an enormous achievement by for example: the creation of the Leisure Trust; review of the summer playscheme; the introduction of Special Expenses and the associated cessation of grants to parish councils; plus a wide scale reduction in the Council's establishments. However, it was not possible to stop there. The Leader was sure that Members did not need reminding that the Council was now totally reliant on council tax, its share of business rates, new homes bonus, fees and charges and investment income for delivering local services.

The future of funding for Local Government Services was unclear, the Council's financial arrangements with Government for the next three year were predicated on the future move to the full business rates retention scheme and the absence of any commitment to this in the recent Queen's Speech had created a void of uncertainty.

C 17/55 HUMAN RESOURCES STRATEGY UPDATE

Item GP 17/13 referred from General Purposes Committee minutes of 26 June 2017

RESOLVED: That the recommendations at Minute GP 17/13 be approved.

C 17/56 REVENUES AND BENEFITS - SHARED SERVICE

Item CB 17/46 referred from Cabinet minutes of 28 June 2017

RESOLVED: That the recommendations at Minute CB 17/46 be approved.

C 17/57 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT FOR 2016/17

Item AU 17/31 referred from Audit Committee minutes of 3 July 2017

RESOLVED: That the recommendations at Minute AU 17/31 be approved.

C 17/58 LOCALISM ACT 2011 - APPOINTMENT OF INDEPENDENT PERSONS

The report of the Monitoring Officer outlined the provisions of the Localism Act 2011 regarding the appointment of Independent Persons and arrangements for recruitment following the expiry of the terms of office of the current Independent Persons who were not seeking reappointment. A supplementary report gave details of the outcome of the recruitment process including the two applicants to whom it was proposed to offer the position.

RESOLVED: That

- (1) Mr Clive Grenyer and Mr David Mercier be appointed as Independent Persons under section 28 of the Localism Act 2011 for a term expiring on 30 June 2022; and
- (2) thanks be recorded to Mr David Ashton and Mr John Gledhill for their years of service as Independent Persons.

C 17/59 APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to the report of the Director of Central Services regarding the reappointment of Mrs D Huntingford as a nominative trustee of the Tonbridge United Charity for a further four year term for the period November 2016 to November 2020.

In a supplementary report circulated in advance of the meeting details were given of an invitation to consider the reappointment of Councillor Mrs P Bates as a local trustee of Sir Thomas Smythe's Charity for the parish of St Peter and St Paul with St Saviour, Tonbridge.

RESOLVED: That

- (1) Mrs D Huntingford be reappointed as a trustee of the Tonbridge United Charity for a further four year term;
- (2) Councillor Mrs P Bates be reappointed as a local trustee of Sir Thomas Smythe's Charity for the parish of St Peter and St Paul with St Saviour for a further four year term; and

- (3) appreciation be recorded of the contribution of councillors and members of the public serving on outside bodies.

C 17/60 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 17/61 REVENUES AND BENEFITS - SHARED SERVICE

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

Item GP 17/16 referred from General Purposes Committee minutes of 26 June 2017

RESOLVED: That the recommendations at Minute GP 17/16 be approved.

C 17/62 PETITION - RESTRICTED ANNEXES

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

Restricted annexes to Cabinet report of 9 February 2017 for information.

The meeting ended at 8.35 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 13th July, 2017

Present: Cllr M Parry-Waller (Chairman), Cllr D Markham (Vice-Chairman), Cllr M C Base, Cllr T Bishop, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr S M Hammond, Cllr D Keeley, Cllr D Keers, Cllr S M King, Cllr D Lettington, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr A K Sullivan and Cllr T C Walker

Councillors N J Heslop and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell and B W Walker

PART 1 - PUBLIC

AP3 17/17 DECLARATIONS OF INTEREST

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

However, for reasons of transparency Councillor Roud queried whether, as a member of the East Malling Conservation Group, there was a need to declare an interest in application TM/16/0368/FL (Orchard Farm, Well Street, East Malling). As this was not seen as either a Disclosable Pecuniary or Other Significant Interest and Councillor Roud had not predetermined his position there was no requirement to withdraw from the meeting.

AP3 17/18 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 16 March 2017 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP3 17/19 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were

tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP3 17/20 TM/16/03680/FL - ORCHARD FARM, WELL STREET, EAST MALLING

Change of use to holiday site incorporating 5 mobile homes at Orchard Farm, Well Street, East Malling.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to

(1) Amended Condition 4:

- (i) The static caravans shall be occupied for holiday purposes only and no trade or business shall be carried on from the site;
- (ii) The static caravans shall not be occupied as a person's sole or main place of residence;
- (iii) The static caravans shall not be occupied by the same person for a continuous period in excess of 3 months and no person shall return to occupy a caravan within 6 weeks of departure;
- (iv) The caravan site licence holder or his/her nominated person shall maintain an up-to-date register of the names of all owners/occupiers of individual static caravans on the site, their arrival and departure dates and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: The occupation of static caravans for permanent residential occupation would constitute an inappropriate land use in the countryside.

(2) Additional condition:

12. There shall be no motorhomes on site at any time unless it is in association with the occupancy of one of the static caravans.

Reason: The accommodation of such vehicles would lead to an over intensification of the use of the site which would potentially have an adverse impact upon the wider character of the countryside.

(3) Additional Informative:

6. The applicant is reminded that the site does not benefit from permitted development rights and therefore the construction of outbuildings or the placing of any other domestic paraphernalia on the site would require the benefit of planning permission.

[Speaker: Mr R Crandon – agent]

[In accordance with Council and Committee Procedure Rule 8.6 of the Constitution, Councillor Roud asked that his vote against the recommendation to grant planning permission be recorded.]

AP3 17/21 TM/16/03048/FL - 89 CORK STREET, ECCLES

Retrospective application for retention of balcony area at 89 Cork Street, Eccles.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

PART 2 - PRIVATE

AP3 17/22 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.40 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 28th July, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and Cllr R V Roud

Councillors Mrs S M Barker and D Keers were also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/33 DECLARATIONS OF INTEREST

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

LA 17/34 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/35 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 07/2017

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel was advised that the Applicant, in completing the questionnaire which accompanied the application, had failed to declare a Caution for Common Assault dated 16 December 2011 and a Caution for Battery dated 29 December 2011.

The Panel had regard to the report of the Director of Central Services and to the following:-

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that, with regard to previous convictions, the overriding consideration was the safety of the public although some discretion may be appropriate if the offence was isolated and there were mitigating circumstances; and
- (4) that Section 12.3 of the Policy stated that an application would normally be refused when it had been made within 8 years of receipt of a Caution for Common Assault.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Cautions and to the comments made by the proposed Mentor regarding the Applicant's employment. In the circumstances, however, the Panel was unconvinced that the explanations given were sufficient to overturn the position as set out in the Council's Policy. Having considered all of the circumstances the Panel was not satisfied that the Applicant was a fit and proper person to hold a Probationary Private Hire Driver's Licence. For these reasons the Panel, therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be REFUSED.

The meeting ended at 10.41 am
having commenced at 10.10 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 28th July, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and Cllr R V Roud

Councillors Mrs S M Barker and D Keers were also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/36 DECLARATIONS OF INTEREST

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

LA 17/37 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/38 APPLICATION FOR A HACKNEY CARRIAGE DRIVER LICENCE - CASE NO 08/2017

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether an application for a Hackney Carriage Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel was reminded that the Applicant had previously applied for a licence and had appeared before a Licensing and Appeals Panel on 24 September 2014, where his application had been refused.

The Panel had regard to the report of the Director of Central Services and to the Disclosure and Barring Service Certificate dated 11 April 2017

which disclosed that the Applicant had been convicted on 9 November 2012 for the offence of Wounding/Inflicting Grievous Bodily Harm on 4 May 2011 and had been sentenced to imprisonment for three years and given a restraining order – Protection from Harassment which would stay in force until 9 November 2022. The Panel also had regard to the following:-

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its own merits;
- (3) that a Disclosure and Barring Service check on a driver was seen as an essential safety measure in assessing whether or not an applicant is suitable to hold a licence;
- (4) that, with regard to previous convictions, the overriding consideration was the safety of the public although some discretion may be appropriate if the offence was isolated and there were mitigating circumstances; and
- (5) that Section 12.3 of the Policy stated that an application would normally be refused when it had been made within 8 years of the date of conviction for an offence of Grievous Bodily Harm.

The Panel listened carefully to the Applicant's explanation. Whilst the Applicant had sought to convince the Panel that he was a 'changed man' and requested a 'second chance', the Panel found that there was no compelling evidence or explanation provided which gave the Panel a reason to set aside the usual policy considerations in this case.

For these reasons the Panel, therefore

RESOLVED: That the application for a Hackney Carriage Driver's Licence be REFUSED.

The meeting ended at 11.20 am
having commenced at 11.05 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 28th July, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and Cllr R V Roud

Councillor D Keers was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 17/39 DECLARATIONS OF INTEREST

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

LA 17/40 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/41 REVIEW OF A DUAL DRIVER'S LICENCE FOR HACKNEY CARRIAGE AND PRIVATE HIRE - CASE NO 09/2017

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was to consider whether any action should be taken in respect of the holder of a Dual Driver's Licence for Hackney Carriage and Private Hire (Badge number 1699) following the receipt of information from Kent County Council Transport Integration (School Contracts Team) that the Driver had failed to comply with the terms of the contract and had used an unlicensed vehicle.

The Panel had regard to the report of the Director of Central Services, listened carefully to the Driver's explanation of the circumstances of the events which occurred on 28 April 2017 and accepted his explanation

that he had undertaken the journey in a private capacity. In addition the Panel had regard to the advice provided to the Licensing Officer by KCC's Transport Intergration Manager by telephone regarding the invoicing procedure for School Run contracts. The Panel took the opportunity to remind the Driver that journeys for hire or reward must be carried out in a licensed vehicle. The Panel, therefore

RESOLVED: That no action be taken against the holder of Dual Driver's Licence (Badge number 1699) as he had acted in a private capacity and not as a licensed Hackney Carriage or Private Hire Driver.

The meeting ended at 1.05 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 4th August, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs S M Barker and Cllr D Keers

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/42 DECLARATIONS OF INTEREST

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

LA 17/43 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/44 REVIEW OF A DUAL DRIVER'S LICENCE FOR HACKNEY CARRIAGE AND PRIVATE HIRE - CASE NO 10/2017

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider what action should be taken in respect of the Holder of a Dual Driver's Licence for Hackney Carriage and Private Hire (Badge No 118) following the receipt of information and CCTV footage from a licensed driver in Medway that the Dual Licence Driver had accepted a fare without a booking outside the Borough of Tonbridge and Malling on 25 February 2017.

The Panel had regard to the report of the Director of Central Services, the complaint received and the CCTV footage shown at the Hearing. In addition, the Panel had regard to the following elements of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy:-

- a. **Penalty for plying for hire without a licence** If the proprietor or part proprietor of any carriage, or any person so concerned as aforesaid, permits the same to be used as a hackney carriage plying for hire within the prescribed distance without having obtained a licence as aforesaid for such carriage, or during the time that such licence is suspended as hereinafter provided, or if any person be found driving, standing, or plying for hire with any carriage within the prescribed distance for which such licence as aforesaid has not previously obtained, or without having the number of such carriage corresponding with the number of the licence openly displayed on such carriage, every such person so offending shall for such offence be liable to a penalty not exceeding [level 4 on the standard scale].
- b. **'Hackney Carriage'** means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council.
- c. Hackney Carriage drivers may only ply for hire in a district where they are licensed. However they may undertake pre-booked work in any district.

The Panel listened carefully to evidence presented by the Driver and gave significant weight to the manner in which he had been treated by the other licensed drivers in this case. However, the Panel emphasised the seriousness of licensed drivers undertaking work that they were not entitled or licensed to do. The Panel also took into account a number of inconsistencies in the statement made by the Driver. For these reasons the Panel, therefore

RESOLVED: That the Dual Driver's licence for Hackney Carriage and Private Hire (15/01342/DUALDL) be suspended for a period of four weeks.

The meeting ended at 10.40 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 4th August, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs S M Barker and Cllr D Keers

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 17/45 DECLARATIONS OF INTEREST

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

LA 17/46 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/47 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 11/2017

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS) that the Applicant had three convictions under the Social Security Administration Act 1992 S.111A and one conviction under the Fraud Act 2006 S.1(2)(B)+S.3 all dated 30 September 2014.

The Panel had regard to the report of the Director of Central Services and to the following:-

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that Public Safety was paramount when processing a prospective candidate

to ensure that the applicant was a 'Fit and Proper' person to hold a licence;

- (2) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that, with regard to previous convictions, the overriding consideration was the safety of the public although some discretion may be appropriate if the offence was isolated and there were mitigating circumstances;
- (4) that, with regard to Dishonesty, Drivers of Hackney Carriage and Private Hire vehicles were expected to be persons of trust. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise especially vulnerable people.
- (5) that Section 12.2.4 of the Policy stated that an application would normally be refused when it had been made within 4 years of receipt of a Conviction for Dishonesty.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Convictions. The Panel stated that Private Hire drivers were entrusted to deal fairly and honestly with a broad section of the general public and that, in light of the previous convictions, it had no confidence that the Applicant would be able to do so.

The Panel was not convinced that the explanations given were sufficient to overturn the position set out in the Council's Policy and, having considered all the circumstances, the Panel was not satisfied that the Applicant was a fit and proper person to hold a Probationary Private Hire Driver's Licence. For these reasons the Panel, therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be REFUSED.

The meeting ended at 11.40 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 16th August, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw and Cllr M Taylor

Councillor O C Baldock was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S R J Jessel (Vice-Chairman), M A C Balfour, Mrs S M Barker and Miss S O Shrubsole

PART 1 - PUBLIC

AP2 17/36 DECLARATIONS OF INTEREST

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

AP2 17/37 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 5 July 2017 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP2 17/38 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP2 17/39 TM/16/03630/OA - NEPICAR SAND QUARRY, MAIDSTONE ROAD, PLATT

Outline Application including details of access: New access road from the East side of Platt Industrial Estate, through Nepicar sandpit to join the A25 Maidstone Road at Nepicar Sand Quarry, Maidstone Road, Platt.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mr R Hook and Mrs P Dakin, members of the public and Mr T Bonser, Platt Parish Council – applicant]

[Councillor Taylor abstained from voting to reduce the risk of potential challenge on any perceived pre-determination and/or bias on the grounds of his involvement and support of the application. However, it was noted that no undue influence was present during the discussion.]

AP2 17/40 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 24th August, 2017

Present: Cllr M Parry-Waller (Chairman), Cllr D Markham (Vice-Chairman), Cllr M C Base, Cllr Mrs S Bell, Cllr T Bishop, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr D Keeley, Cllr D Keers, Cllr S M King, Cllr A K Sullivan, Cllr B W Walker and Cllr T C Walker

Councillors N J Heslop and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S M Hammond, D Lettington, Mrs A S Oakley and R V Roud

PART 1 - PUBLIC

AP3 17/23 DECLARATIONS OF INTEREST

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

AP3 17/24 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 13 July 2017 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP3 17/25 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP3 17/26 TM/17/01135/FL - 459 MAIDSTONE ROAD, CHATHAM

Retention of six apartments and three houses with associated landscaping and formation of new access road to dwellings. Revised scheme to that approved under TM/15/00494/FL Demolition of existing workshop and erection of 6 apartments and 3 houses with associated landscaping and formation of new access road to dwellings at Former Bridgewood Service Station and Workshop, 459 Maidstone Road, Chatham.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speaker: Mr D De Vere – Applicant]

AP3 17/27 ALLEGED UNAUTHORISED DEVELOPMENT - 16/00375/USEH - WHITE LODGE, 70 CHATHAM ROAD, AYLESFORD

The report of the Director of Planning, Housing and Environmental Health set out details of the unauthorised change of use of land and buildings to storage and business use.

RESOLVED: That an Enforcement Notice be issued to seek the cessation of the use and the removal of all external material stored on the land, the detailed wording of which to be agreed with the Director of Central Services.

AP3 17/28 ALLEGED UNAUTHORISED WORKS - 17/00181/WORKH – 10 BRADBOURNE LANE, DITTON

The joint report of the Director of Planning, Housing and Environmental Health and the Director of Central Services provided an update on enforcement action taken using emergency powers in connection with unauthorised development at the Ditton Tandoori Restaurant, Bradbourne Lane, Ditton.

RESOLVED: That the report be received and noted.

PART 2 - PRIVATE**AP3 17/29 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.15 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 4th September, 2017

Present: Cllr V M C Branson (Chairman), Cllr M C Base (Vice-Chairman), Cllr T Bishop, Cllr B T M Elks, Cllr Mrs F A Kemp and Cllr B W Walker

Grant Thornton, External Auditors: Ms S Ironmonger (Engagement Lead) and Mr R Lawson (Audit Manager)

Councillors Mrs J A Anderson, O C Baldock, M A Coffin, N J Heslop, D Lettington, M R Rhodes, H S Rogers and T C Walker were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T Edmondston-Low, S R J Jessel and S C Perry

PART 1 - PUBLIC

AU 17/40 DECLARATIONS OF INTEREST

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

AU 17/41 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 3 July 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

AU 17/42 STRATEGIC RISK REGISTER

The report of the Management Team presented the 'final' version of the Strategic Risk Register which had been reviewed and updated to align with the new Corporate Strategy. Members were reminded that, as the register was considered to be a live document, it would be updated as and when required with periodic reporting to the Audit Committee together with the more formal annual review.

RECOMMENDED: That the Strategic Risk Register be commended to the Council.

AU 17/43 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April to July

of the current financial year. A mid-year review of the Treasury Management and Annual Investment Strategy for 2017/18 was also presented.

RECOMMENDED: That the following be commended to the Council:

- (1) the action taken by officers in respect of treasury management activity for April to July 2017 be endorsed;
- (2) the progress made in respect of property fund investments be noted; and
- (3) the existing parameters intended to limit the Council's exposure to investment risks be retained.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AU 17/44 EXTERNAL AUDITORS REPORT ON OUTCOME OF AUDIT OF STATEMENT OF ACCOUNTS 2016/17

The report of the Director of Finance and Transformation presented the Audit Findings Report on the outcome of the audit of the Statement of Accounts for 2016/17. The Engagement Lead for the Council's external auditor (Grant Thornton UK LLP) advised that she intended to issue an unqualified audit opinion on the financial statements and value for money conclusion and commended the Council for a good set of accounts.

RESOLVED: That

- (1) the Audit Findings Report on the outcome of the audit of the Statement of Accounts for 2016/17, as set out at Annex 1 to the report, be approved;
- (2) the Chairman of the Audit Committee and the Director of Finance and Transformation be granted delegated authority to countersign the Letter of Representation, as set out at Annex 2 to the report, when Grant Thornton are ready to issue their opinion; and
- (3) the Chairman be requested to sign the Accounts in the appropriate place.

AU 17/45 CONSULTATION ON AUDITOR APPOINTMENT FROM 2018/19

The report of the Director of Finance and Transformation set out details of the consultation by Public Sector Audit Appointments Limited on the appointment of Grant Thornton (UK) LLP to audit the accounts for five years from 2018/19.

RESOLVED: That the appointment of Grant Thornton (UK) LLP to audit the accounts for five years from 2018/19 be endorsed.

MATTERS SUBMITTED FOR INFORMATION

AU 17/46 INTERNAL AUDIT AND COUNTER FRAUD UPDATE

The report of the Chief Audit Executive provided an update on the work undertaken by the Internal Audit and the Counter Fraud functions for the period April to August 2017.

RESOLVED: That the report be received and noted.

AU 17/47 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

MATTERS SUBMITTED FOR INFORMATION

AU 17/48 INSURANCE CLAIMS HISTORY: APRIL - JULY 2017

(Reasons: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

The report of the Director of Finance and Transformation provided details of the nature and volume of liability and property damage insurance claims submitted during the period April 2017 to July 2017.

RESOLVED: That the report be received and noted.

The meeting ended at 8.27 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 27th September, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr R P Betts, Cllr M A Coffin, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr H S Rogers, Cllr T B Shaw and Cllr M Taylor

Councillors O C Baldock and N J Heslop were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S M Barker, Mrs S L Luck, Miss J L Sergison and Miss S O Shrubsole

PART 1 - PUBLIC

AP2 17/41 DECLARATIONS OF INTEREST

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

AP2 17/42 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 16 August 2017 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP2 17/43 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. There were no supplementary reports tabled at this meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP2 17/44 TM/17/01289/FL - DEWPOND, PLATT COMMON, PLATT

Construction of a detached 2 storey 4 bedroomed dwelling with ancillary parking and access at Dewpond, Platt Common, Platt.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

(1) Amended Conditions:

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that order), no development shall be carried out within Class A, B or E of Part 1 Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that development does not harm the character of the area or visual amenity of the locality.

5. The dwelling shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and boundary treatment that includes additional tree plantings along the northwest (rear) and northeast (side) boundaries of the site and full details of materials to be used in areas of hard surfacing of the access driveway. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. The boundary treatments shall be provided prior to occupation of the new dwelling.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality and in the interests of appropriate surface water drainage.

[Speakers: Wendy Palmer, Platt Parish Council, Mr R Hook, member of the public and Ms J Tasker, agent]

AP2 17/45 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

AP2 17/46 UPDATE ON ENFORCEMENT ACTIONS

(LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information about an individual)

The report of the Director of Planning, Housing and Environmental Health informed of recent enforcement action taken in connection with development at land to the west of Wrotham Heath Place, London Road, Wrotham Heath, known as 'The Spinney'.

Members were pleased to note that a Temporary Stop Notice had been issued on 4 August, an emergency (interim) injunction to prevent any further operational development served on 25 August and permitted development rights related to means of enclosure, temporary buildings and use of land had been removed. It was reported that the latter course of action was subject to a consultation process and the Planning Committee would be updated in due course.

The Committee expressed appreciation of the action being taken to address the situation.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Thursday, 28th September, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs S M Barker (Vice-Chairman), Cllr O C Baldock, Cllr Mrs P A Bates, Cllr Mrs B A Brown, Cllr Mrs F A Kemp, Cllr S M King, Cllr H S Rogers, Cllr R V Roud and Cllr F G Tombolis

Councillor A K Sullivan was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base, M A Coffin, D Keers and M Taylor

PART 1 - PUBLIC

LA 17/48 DECLARATIONS OF INTEREST

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

LA 17/49 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 9 May 2017 be approved as a correct record and signed by the Chairman.

LA 17/50 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 28 July and 4 August 2017 be received and noted.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/51 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

The Director of Central Services and Monitoring Officer presented a review of the Hackney Carriage and Private Hire Policy 2018-2023. The report highlighted the main changes from the current policy adopted on 1 May 2013 and outlined the timescale for the consultation to be undertaken between 1 October and 31 December 2017. Particular reference was made to the proposed changes set out at paragraph 1.3 of the Draft Policy, attached as Annex 1 to the report and, following consideration by the Committee, the inclusion of guidance on tinted rear

passenger windows, 'cross-boundary' plating of vehicles, voluntary sector transport and the production of original documents. The report outlined the arrangements for public consultation on the policy including further taxi drivers' liaison meetings which Members were welcome to attend.

RESOLVED: That the draft Tonbridge and Malling Hackney Carriage and Private Hire Licensing Policy set out at Annex 1 to the report be approved for public consultation.

MATTERS FOR CONSIDERATION IN PRIVATE

LA 17/52 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.35 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 4th October, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs P A Bates and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/53 DECLARATIONS OF INTEREST

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

LA 17/54 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/55 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 13/2017

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel was advised that the Applicant, in completing the questionnaire which accompanied the application, had disclosed a Caution for Possessing a Controlled Drug – Class B – Cannabis/Cannabis Resin dated 5 September 2013.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer and to the following:-

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that public safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Section 5.6.6 of the Policy stated that a licence was conditional on there being no adverse information revealed on the DBS disclosure which would render the applicant as not 'Fit and Proper';
- (3) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (4) that, with regard to previous convictions, the overriding consideration was the safety of the public although some discretion may be appropriate if the offence was isolated and there were mitigating circumstances; and
- (5) that Section 12.4 of the Policy stated that an application would normally be refused when it has been made within 5 years of the date of conviction for a drug-related offence.

The Panel listened carefully to the Applicant's full and candid explanation of the circumstances of the offence and took into account her qualifications and experience as a care worker and the endorsement provided by her Mentor. The Panel concluded that the Applicant was a 'Fit and Proper' person to hold a licence. For these reasons the Panel, therefore

RESOLVED: That the Applicant be GRANTED a Probationary Private Hire Driver's Licence.

The meeting ended at 10.31 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 4th October, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs P A Bates and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/56 DECLARATIONS OF INTEREST

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

LA 17/57 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/58 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 14/2017

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel was advised that the Applicant, in completing the questionnaire which accompanied the application, had failed to declare a Conviction for Common Assault dated 28 November 2011.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer and to the following:-

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that public safety

was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;

- (2) that Section 5.6.6 of the Policy stated that a licence was conditional on there being no adverse information revealed on the DBS disclosure which would render the applicant as not 'Fit and Proper';
- (3) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (4) that, with regard to previous convictions, the overriding consideration was the safety of the public who entrusted themselves to the care of a driver both for their own safety and for fair dealing; and
- (5) that Section 12.3.1 of the Policy stated that, in general, a period of 4 to 10 years free of conviction of offences including violence would be required before an application was likely to be considered favourably. In addition, an application would normally be refused when it has been made within 4 years of the date of conviction for an offence of common assault.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Conviction. However, the Panel was not convinced that the explanations given were sufficient to overturn the position set out in the Council's Policy which required an 8 year period to have passed following a Conviction for Common Assault and, having considered all the circumstances, was not satisfied that the Applicant was a 'Fit and Proper' person to hold a Probationary Private Hire Driver's Licence. For these reasons the Panel, therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be REFUSED.

The meeting ended at 11.41 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 4th October, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs P A Bates and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/59 DECLARATIONS OF INTEREST

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

LA 17/60 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/61 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 15/2017

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Director of Central Services and Monitoring Officer advised the Panel that, following the publication of the agenda, the applicant had advised that she was unable to attend the Hearing. The Panel therefore

RESOLVED: That consideration of Case No 15/2017 in respect of an application for a Probationary Private Hire Driver's Licence be DEFERRED to the next meeting of the Licensing and Appeals Panel scheduled to be held on Thursday 26 October 2017.

The meeting ended at 12.02 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Wednesday, 11th October, 2017

Present: Cllr N J Heslop (Chairman), Cllr M A Coffin, Cllr Mrs M F Heslop, Cllr D Lettington and Cllr H S Rogers

Councillors Mrs J A Anderson, O C Baldock, M A C Balfour, M C Base, Mrs P A Bates, R P Betts, P F Bolt, V M C Branson, D J Cure, R W Dalton, D A S Davis, Mrs T Dean, T Edmondston-Low, B T M Elks, R D Lancaster, Mrs S L Luck, P J Montague, L J O'Toole, M Parry-Waller, S C Perry, M R Rhodes, C P Smith, Ms S V Spence, A K Sullivan, M Taylor, Miss G E Thomas, F G Tombolis, B W Walker and T C Walker were also present pursuant to Access to Information Rule No 22.

An apology for absence was received from Councillor Miss S O Shrubsole

PART 1 - PUBLIC

CB 17/52 DECLARATIONS OF INTEREST

Councillor R Betts declared an Other Significant Interest in the item on Leisure Trust – Review of Service Fee/Business Plan on the grounds that he was a member of the Tonbridge and Malling Leisure Trust board. He withdrew from the meeting during its consideration.

CB 17/53 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 28 June 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 17/54 STRATEGIC RISK REGISTER

The report of the Management Team presented the updated Strategic Risk Register which had been considered and endorsed by the Audit Committee on 4 September 2017. It was noted that the revised Register had been aligned with the new Corporate Strategy.

The Leader commended the actions of officers during the weekend of the Holborough flats fire and requested that thanks be conveyed to all involved.

RECOMMENDED: That the updated Strategic Risk Register set out at Annex 1 to the report be adopted by the Council.

***Referred to Council**

CB 17/55 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during the period April to July 2017. It also included an update on progress in securing property fund investment and a mid-year review of the Annual Investment Strategy and risk parameters. Members were invited to endorse the action taken by officers in respect of treasury management activity to date, note the progress in respect of property fund investment and retain the current risk parameters.

The report had also been considered by the Audit Committee at its meeting on 4 September 2017 and the action commended for endorsement.

RECOMMENDED: That the following be commended to the Council:

- (1) the action taken by officers in respect of treasury management activity for the period April to July 2017 be endorsed;
- (2) the progress made in respect of property fund investments be noted; and
- (3) the existing parameters intended to limit the Council's exposure to investment risks be retained.

***Referred to Council**

DECISIONS TAKEN IN ACCORDANCE WITH PARAGRAPH 4, PART 3 OF THE CONSTITUTION

CB 17/56 TO CONSIDER OBJECTIONS TO STATUTORY NOTICE IN RESPECT OF DISPOSAL OF OPEN SPACE LAND AT RIVER LAWN ROAD, TONBRIDGE

Decision Notice D170066CAB

CB 17/57 WASTE SERVICES CONTRACT RETENDER

(Item SSE 17/11 referred from Street Scene and Environment Services Advisory Board of 9 October 2017)

Decision Notice D170067CAB

CB 17/58 THE 2018-19 LOCAL GOVERNMENT FINANCE SETTLEMENT - TECHNICAL CONSULTATION PAPER

Decision Notice D170068CAB

CB 17/59 100% BUSINESS RATES RETENTION PILOTS

Decision Notice D170069CAB

CB 17/60 PARISH CHARTER

(Item PPP 17/12 referred from Parish Partnership Panel minutes of 7 September 2017)

Decision Notice D170070CAB

MATTERS SUBMITTED FOR INFORMATION**CB 17/61 MATTERS REFERRED FROM ADVISORY BOARDS**

The notes of the meetings of the following Advisory Boards were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Economic Regeneration Advisory Board of 6 July 2017
Communities and Housing Advisory Board of 24 July 2017
Planning and Transportation Advisory Board of 25 July 2017
Economic Regeneration Advisory Board of 6 September 2017
Finance, Innovation and Property Advisory Board of 20 September 2017
Street Scene and Environment Services Advisory Board of 9 October 2017

RESOLVED: That the report be received and noted.

CB 17/62 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS

The Minutes of the meetings of the following Advisory Panels and other Groups were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Parish Partnership Panel of 7 September 2017
Joint Transportation Board of 25 September 2017

RESOLVED: That the report be received and noted.

CB 17/63 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

MATTERS FOR RECOMMENDATION TO THE COUNCIL**CB 17/64 LEISURE TRUST - REVIEW OF SERVICE FEE/BUSINESS PLAN**

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Item CH 17/26 referred from Communities and Housing Advisory Board minutes of 24 July 2017)

The Cabinet received the recommendations of the Communities and Housing Advisory Board at its meeting on 24 July 2017 concerning a new five year Leisure Trust Business Plan and Service Fee from 1 April 2018.

RECOMMENDED: That

- (1) the Tonbridge and Malling Leisure Trust's proposed Business Plan for 2017/2022 be approved;
- (2) the Tonbridge and Malling Leisure Trust's proposed Management Fee of zero from 1 April 2018 be agreed; and
- (3) the proposed variations to the existing Management Agreement, set out within the report, be approved and implemented from 1 April 2018.

***Referred to Council**

The meeting ended at 9.21 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Economic Regeneration

**Decision No:
D170047MEM**

Date: 06 July 2017

Decision(s) and Reason(s)

North Kent Enterprise Zone

(Report of Chief Executive)

The report provided an update on the progress being made on the North Kent Enterprise Zone initiative, which included a site at Rochester Airfield. Members were also asked to approve the next steps in the delivery of the project.

It was reported that the Accountable Body for the North Kent Enterprise Zone was Maidstone Borough Council and a formal request for contributions towards the cost of this role had recently been received from that authority. It was proposed that a 15% contribution towards legal, financial and administrative costs be made. This equated to £600 per annum and could be met through existing economic development budgets.

Following consideration by the Economic Regeneration Advisory Board, the Cabinet Member for Economic Regeneration resolved that:

- (1) the updated information set out in the report be noted;
- (2) the support given to the North Kent Enterprise Zone to date be endorsed; and
- (3) the proposal to contribute £600 per annum towards the Accountable Body function be agreed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 6 July 2017.

Signed Cabinet Member for Economic Regeneration; and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 July 2017

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

Decision Taken By: Cabinet Member for Economic Regeneration

**Decision No:
D170048MEM**

Date: 06 July 2017

Decision(s) and Reason(s)

Service Level Agreements with Visit Kent and Tourism South East

(Report of Chief Executive)

The report provided information on the Service Level Agreements that the Borough Council currently had with two tourism bodies – Visit Kent and Tourism South East – and set out proposals for 2017/18.

It was proposed that the Borough Council did not enter into a new annual agreement with Tourism South East as there was more scope for Tonbridge and Malling to have a higher profile with Visit Kent at a county rather than regional level.

In addition, it was proposed that the Service Level Agreement (SLA) with Visit Kent was retained but at a reduced level of up to a maximum of £3,500 for 2017/18. However, the SLA would look to retain the activities set out in paragraph 1.4.3 of the report as a minimum.

These proposals offered potential additional savings on existing budgets and represented better value for money.

Following consideration by the Economic Regeneration Advisory Board, the Cabinet Member for Economic Regeneration resolved that:

- (1) the proposal to not renew the Service Level Agreement with Tourism South East in 2017/18 be agreed;
- (2) the proposal to reduce the Service Level Agreement with Visit Kent in 2017/18 to a maximum of £3,500 be agreed; and
- (3) the inclusion of activities set out in paragraph 1.4.3 of the report be agreed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 6 July 2017.

Signed Cabinet Member for Economic Regeneration; and
Leader
N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 July 2017

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

Decision Taken By: Cabinet Member for Economic Regeneration

**Decision No:
D170049MEM**

Date: 06 July 2017

Decision(s) and Reason(s)

'Building Our Industrial Strategy' Green Paper Consultation

(Report of Chief Executive)

The report set out the Borough Councils response to the 'Building our Industrial Strategy' Green Paper consultation, which was submitted in advance of the deadline of 17 April 2017.

A summary of the main points made were set out in paragraph 1.2.2 of the report, with the full consultation response attached as Annex 1.

Members welcomed the Green Paper and supported the aims and objectives of the strategy in stimulating economic growth and prosperity. However, concern was expressed regarding the requirement for a national infrastructure policy that properly addressed the challenges arising from growth, the delivery of a credible skills and training agenda and the need for clarity regarding the role of the local partnerships and South East Local Enterprise Partnership in implementing the strategy.

Following consideration by the Economic Regeneration Advisory Board, the Cabinet Member for Economic Regeneration resolved that:

The consultation response to the 'Building our Industrial Strategy' green paper, set out in full in Annex 1 of the report, be endorsed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 6 July 2017.

Signed Cabinet Member for Economic Regeneration; and Leader N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 July 2017

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Housing

Decision No:

D170050MEM

Date: 24 July 2017

Decision(s) and Reason(s)

Update on West Kent Hospital Discharge Pilot and Disabled Facilities Grant

(Report of Director of Planning, Housing and Environmental Health)

The report provided an update on the various initiatives being piloted using Disabled Facilities Grant funding and sought approval to extend the West Kent Hospital Discharge and Handyperson Scheme until March 2019.

It was also reported that the current arrangement of seconding Occupational Therapists from Kent County Council worked extremely well, as it enabled a more streamlined and responsive service to be offered.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Housing resolved that:

The continuation of the West Kent Hospital and Handypersons Scheme and secondment of Occupational Therapists be approved until March 2019.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 24 July 2017.

Signed Cabinet Member for
Housing

S Shrubsole

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

28 July 2017

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

Decision Taken By: Cabinet Member for Community Services

**Decision No:
D170051MEM**

Date: 24 July 2017

Decision(s) and Reason(s)

Leisure Facilities - Leisure Trust Update

(Report of Director of Street Scene, Leisure and Technical Services)

The report reviewed the recent performance of the Tonbridge and Malling Leisure Trust and provided an update on two key issues; the re-tender of fitness equipment and the proposed extension of the gym at Larkfield Leisure Centre.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Community Services resolved that:

- (1) the Trust's performance over the fourth quarter of the Annual Service Delivery Plan (attached as Annex 1 to the report) be noted;
- (2) the procurement process for the fitness equipment be progressed as outlined in paragraph 1.4 of the report; and
- (3) the proposed works to the gym extension at Larkfield Leisure Centre be supported and progressed as outlined in paragraph 1.5 of the report.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 24 July 2017.

Signed Cabinet Member for
Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 28 July 2017

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

Date: 24 July 2017

Decision(s) and Reason(s)

Capital Plan Projects

(Report of Director of Street Scene, Leisure and Technical Services)

The report updated progress on a number of key projects contained in the Borough Council's Capital Plan. In addition, three Post Implementation Reviews were brought forward for consideration and approval.

Particular reference was made to measures to increase parking provision at Leybourne Lakes Country Park. It was noted that this project was currently on List A. In addition, temporary measures were in place to increase car parking at Haysden Country Park. These measures would be monitored over the coming months and the findings reflected in the Capital Plan Evaluation to be considered by Members at a future meeting of the Finance, Innovation and Property Advisory Board.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Community Services resolved that:

- (1) the updates on the current Capital Plan, as set out in Annex 1 of the report, be noted;
- (2) the Post Implementation Review for Larkfield Recreation Ground Play Improvements, as set out in Annex 2 of the report, be approved;
- (3) the Post Implementation Review for Tonbridge Racecourse Sportsground Bridge Renewal/Repair, as set out in Annex 3 of the report, be approved; and
- (4) the Post Implementation Review for DDA Audit Recommendations – Phase 3, as set out in Annex 4 of the report, be approved.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 24 July 2017.

Signed Cabinet Member for
Community Services

M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 28 July 2017

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

Decision Taken By: Cabinet Member for Community Services

**Decision No:
D170053MEM**

Date: 24 July 2017

Decision(s) and Reason(s)

Community Safety Partnership Plan 2017-18

(Report of Director of Central Services)

The Community Safety Partnership Plan 2017/18 was presented for consideration. The Plan provided details of the initiatives carried out during the previous year and set out priorities for the forthcoming year.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Community Services resolved that:

The Community Safety Partnership Plan 2017/18, set out in Annex 1 of the report, be supported and endorsed.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 24 July 2017.

Signed Cabinet Member for
Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 28 July 2017

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Street Scene
and Environment Services**

**Decision No:
D170054MEM**

Date: 25 July 2017

Decision(s) and Reason(s)

Local Plan Update - Regulation 18 Consultation Response

(Report of Director of Planning, Housing and Environmental Health)

Further to Decision No D170029MEM, the report provided an update following the consultation exercise carried out between 30 September and 25 November 2016 on the emerging Local Plan. A summary was given of the main issues raised in the responses to the consultation together with suggestions on how they might be taken into account.

The report also updated progress in respect of the Local Plan evidence base and set out the next stages of the process. A revised timetable, necessitated by the calling of the General Election in June, was presented and proposed arrangements for Member workshops during the early autumn discussed. It was noted that adjustment of the dates of the September and November meetings of the Advisory Board might be required. An undertaking was given to advise Members when the position statement on the website was updated as further evidence became available.

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Street Scene and Environment Services resolved that:

The content of the report be noted and the revised Local Plan timetable set out at Annex 3 to the report be approved.

[In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules, the Leader nominated the Cabinet Member for Street Scene and Environment Services to take this decision in the absence of the Cabinet portfolio holder (Strategic Planning and Infrastructure).]

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 25 July 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 28 July 2017

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

Decision Taken By: Cabinet Member for Street Scene and Environment Services

**Decision No:
D170055MEM**

Date: 25 July 2017

Decision(s) and Reason(s)

Duty to Co-operate

(Report of Director of Planning, Housing and Environmental Health)

The report gave an update on progress in exercising the Duty to Co-operate with neighbouring local authorities and other relevant bodies on strategic cross boundary matters in the context of Local Plan preparation. Endorsement was sought of officer level comments submitted by the 12 June deadline in respect of the recent Regulation 18 public consultations for the emerging Tunbridge Wells Local Plan.

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Street Scene and Environment Services resolved that:

The update on the Duty to Co-operate be noted and the officer level comments in respect of the Issues and Options consultations for the emerging Tunbridge Wells Local Plan, as set out at Annex 1 to the report, be endorsed.

[In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules, the Leader nominated the Cabinet Member for Street Scene and Environment Services to take this decision in the absence of the Cabinet portfolio holder (Strategic Planning and Infrastructure).]

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 25 July 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 28 July 2017

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

Decision Taken By: Cabinet Member for Street Scene and Environment Services

**Decision No:
D170056MEM**

Date: 25 July 2017

Decision(s) and Reason(s)

Transportation Issues

(Report of Director of Planning, Housing and Environmental Health)

The report provided an update on a number of transportation issues relevant to the Borough, focusing on the South Eastern Rail Franchise consultation, proposals for a Lower Thames Crossing, planned improvements to Tonbridge Station forecourt and highway improvements to the A20/Hermitage Lane. Endorsement was sought of the officer level response submitted in respect of the Rail Franchise consultation by the 30 June deadline.

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Street Scene and Environment Services resolved that:

The content of the report be noted and the officer level comments in response to the South Eastern Rail Franchise consultation, as set out at Annex 1 to the report, be endorsed.

[In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules, the Leader nominated the Cabinet Member for Street Scene and Environment Services to take this decision in the absence of the Cabinet portfolio holder (Strategic Planning and Infrastructure).]

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 25 July 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 28 July 2017

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Economic
Regeneration**

**Decision No:
D170057MEM**

Date: 06 September 2017

Decision(s) and Reason(s)

Village Stores Initiative

(Report of Chief Executive)

The report set out details of progress made on the Village Stores Initiative over the course of the 12 month pilot project undertaken with Action with Communities in Rural Kent (ACRK). Details of the stores assisted by the business advisor were set out in Part 2 of the agenda at Annex 1 to the report (Minute 17/22 refers). Following the high level of interest in and the success of the initial pilot the report outlined details of the funding arrangements which would allow the initiative to extend into an additional phase to be delivered over a 12 month period from September 2017.

Following consideration by the Economic Regeneration Advisory Board, the Cabinet Member for Economic Regeneration resolved that:

An additional phase of the Village Stores Initiative be agreed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 6 September 2017.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 8 September 2017

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

Decision Taken By: Cabinet Member for Economic Regeneration

**Decision No:
D170058MEM**

Date: 06 September 2017

Decision(s) and Reason(s)

South East Local Enterprise Partnership (SELEP) Strategic Economic Plan - Consultation

(Report of Chief Executive)

The report advised that the South East Local Enterprise Partnership (SELEP) was undertaking a review of the current Strategic Economic Plan (SEP) to ensure that the Plan delivered an investment strategy which addressed the complexities of the current economic environment. The process for producing a new SEP had been commenced in July 2017 and it was anticipated that the final document would be completed by January 2018. The report set out details of the formal consultation process to be undertaken during October 2017 and outlined a number of key points which could be included in the response.

Following consideration by the Economic Regeneration Advisory Board, the Cabinet Member for Economic Regeneration resolved that:

The key points to be included in the response to the consultation on the refresh of the Strategic Economic Plan, as set out at section 1.3.1 of the report, be agreed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 6 September 2017.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 8 September 2017

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D170059MEM**

Date: 20 September 2017

Decision(s) and Reason(s)

Council Tax Discount - Empty Properties

(Report of Director of Finance and Transformation)

The report gave details of a proposal to change the council tax empty property discount from 1 April 2018. It was noted that most other authorities in Kent had, or were committed to reducing the discount to one month or less. It was requested that the implications of offering no discount period be investigated in consultation with other relevant authorities with a view to considering that option in future.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The current period of two months 100% discount for vacant and unfurnished properties be reduced to one month with effect from 1 April 2018 and the experience of other authorities offering no discount period be investigated for report back and consideration of that option in due course.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 20 September 2017.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 September 2017

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D170060MEM**

Date: 20 September 2017

Decision(s) and Reason(s)

Financial Planning and Control

(Report of Director of Finance and Transformation)

The report provided information on the Council's key budget areas of salaries, major income streams and investment income. It also gave details of the variations agreed in relation to the revenue budget and areas identified through budget monitoring, summarised to provide an overall budget position for 2017/18 which showed a net favourable variance of £433,050.

However, reference was made to the projected funding gap and progress made towards meeting this year's savings target of £650,000. All Councillors were urged to attend the forthcoming finance briefing for Members when the significant financial challenge ahead would be discussed. An update was also given on capital expenditure and variations agreed in relation to the capital plan.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The contents of the report be noted and endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 20 September 2017.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 September 2017

This decision will come into force and may then be implemented on the expiry of

5 working days after publication unless it is called in.

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D170061MEM**

Date: 20 September 2017

Decision(s) and Reason(s)

Applications for Discretionary Rate Relief

(Report of Director of Finance and Transformation)

The report gave details of new applications for discretionary rural rate relief which were considered in accordance with the previously agreed criteria for determining such applications. Reference was made to the Government's expectation that the current award of 50% mandatory relief would be "topped up" to 100% pending the update of primary legislation.

Consideration was also given to a revised Discretionary Relief Policy which aimed to improve understanding for applicants and transparency for decisions taken whilst aligning with Gravesham Borough Council's policies for the future shared service.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

- (1) the applications for discretionary rural rate relief be awarded as set out at Annex 2 to the report with effect from 1 April 2017 in respect of The Bell Inn, Golden Green and 18 April 2017 in respect of Bourne Produce, East Peckham, and time limited to 31 March 2018; and
- (2) the new Discretionary Relief Policy 2018/19 set out at Annex 4 to the report be adopted from 1 April 2018 subject to deletion of the words "up to" from the headings on the first page.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 20 September 2017.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 September 2017

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D170062MEM**

Date: 20 September 2017

Decision(s) and Reason(s)

Debts for Write Off

**(LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information
about an individual)**

(Report of Director of Finance and Transformation)

Approval of the writing-off of debts considered to be irrecoverable. Details were also given of debts under £1,000 which had been written-off in accordance with Financial Procedure Rule 17.2 together with cumulative totals of debts in the current and previous financial years and information on budgeted bad debt provision.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The 18 items shown in the schedule of amounts over £1,000, totalling £111,216.37 be written-off for the reasons stated within the schedule.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 20 September 2017 (contains exempt information).

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 September 2017

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Street Scene
and Environment Services**

**Decision No:
D170063MEM**

Date: 25 September 2017

Decision(s) and Reason(s)

Parking Action Plan - Phase 9

(Report of Director of Street Scene, Leisure and Technical Services)

The report set out details of the content of Phase 9 of the Parking Action Plan. The report highlighted a proposal to change the current procedure for changes to parking restrictions to follow the process adopted for Traffic Regulation Order consultations. Details of the consultation process for the Phase 9 Parking Action Plan were set out in Annex 1 to the report while Annex 2 contained details of the locations for future phases. Additionally, it was noted that parking reviews in respect of Kings Hill, Hildenborough and Hadlow would be progressed separately to the Phase 9 sites.

Following consideration by the Joint Transportation Board, the Cabinet Member for Street Scene and Environment Services resolved that:

- (1) the list of locations identified in Annex 1 to the report be taken forward for investigation and informal consultation as Phase 9 of the Parking Action Plan;
- (2) the Parking Action Plan be extended to incorporate the locations included in Annex 2 to the report and funding be sought in the review of the Borough Council's Capital Plan;
- (3) the revised process for considering changes to parking restrictions as outlined in the report be adopted; and
- (4) the Parking Reviews for Kings Hill, Hildenborough and Hadlow be progressed.

Reasons: As set out in the report submitted to the Joint Transportation Board of 25 September 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 29 September 2017

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

Decision Taken By: Cabinet Member for Street Scene and Environment Services

**Decision No:
D170064MEM**

Date: 25 September 2017

Decision(s) and Reason(s)

Parking Action Plan - Phase 8B Tonbridge

(Report of Director of Street Scene, Leisure and Technical Services)

The report set out details of a proposed change to the D2 permit parking area in the Barden Road area of Tonbridge recently introduced as part of Phase 8 of the Parking Action Plan. Annex 1 to the report set out an analysis of the responses received to the proposed alteration of the permit parking spaces in the D2 area to allow D1 permits while Annex 2 contained details of all those responses. Annex 3 set out details of other comments submitted during the consultation process.

Following consideration by the Joint Transportation Board, the Cabinet Member for Street Scene and Environment Services resolved that:

- (1) the objections be noted and set aside and the proposed change to the D2 permit parking area be implemented; and
- (2) in line with the above recommendation the changes be made to the draft Amendment 14 to the Borough's on-street Traffic Regulation Order and the Order be sealed.

Reasons: As set out in the report submitted to the Joint Transportation Board of 25 September 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 29 September 2017

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

Decision Taken By: Cabinet Member for Street Scene and Environment Services

**Decision No:
D170065MEM**

Date: 25 September 2017

Decision(s) and Reason(s)

Parking Action Plan - Phase 8C Leybourne

(Report of Director of Street Scene, Leisure and Technical Services)

The report related to the introduction of double yellow lines to the north side of Baywell in Leybourne, opposite the junction with Highberry, to complement restrictions on the south side of the junction recently introduced as part of Phase 8 of the Parking Action Plan. The report set out details of the responses received to the formal consultation undertaken between 4 and 29 August 2017.

Following consideration by the Joint Transportation Board, the Cabinet Member for Street Scene and Environment Services resolved that:

- (1) the objections be noted and set aside and the proposed parking restrictions for Baywell be introduced; and
- (2) in line with the above recommendations the changes be made to the draft Amendment 15 to the Borough's on-street Traffic Regulation order and the Order be sealed.

Reasons: As set out in the report submitted to the Joint Transportation Board of 25 September 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 29 September 2017

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet
Decision No: D170066CAB
Date: 11 October 2017

Decision(s) and Reason(s)

To Consider Objections to Statutory Notice in respect of Disposal of Open Space Land at River Lawn Road, Tonbridge

(Report of Director of Central Services and Monitoring Officer)

Further to Decision No D170016CAB, the report presented the responses received to the notices advertising the intended disposal of open space land at River Lawn Road, Tonbridge. The Cabinet was also invited to consider the petition submitted by “Keep River Lawn Green” in respect of the intended disposal following its presentation at the meeting of the full Council on 11 July 2017 when oral representations from the petition organisers had been heard (Minute C 17/53 refers).

The report summarised and commented upon the responses made to the statutory notices, details of which were set out at Annex 5 to the report. The Cabinet was advised that an application from the Barden Road Residents Association to register the open space land as an Asset of Community Value had been accepted on 21 August 2017. Whilst its inclusion in the register of Assets of Community Value would not preclude the Council from seeking to dispose of the land, the implications of the registration were explained.

Considerable discussion ensued and the Cabinet heard the views of Local Members and other Councillors. Reference was made to the significant financial challenges facing the Council and the need to take difficult decisions to support the continued delivery of services throughout the Borough. It was noted that the proposed sale of the land at River Lawn would contribute to the adopted Savings and Transformation Strategy which sought to consider opportunities to realise capital and/or increase income streams from the Council’s existing asset base.

After careful consideration the Cabinet resolved that:

The disposal of the open space land at River Lawn Road, Tonbridge be agreed subject to any process arising from the inclusion of the land on the register of Assets of Community Value.

[Councillor Mrs M Heslop wished it to be recorded that she had voted against the disposal of the land.]

Reasons: As set out in the report of the Director of Central Services and Monitoring Officer and in order to realise assets to support the continued delivery of services throughout the Borough in accordance with the adopted Savings and Transformation Strategy.

Signed Chief Executive: J Beilby

Date of publication: 13 October 2017

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

Decision Taken By: Cabinet
Decision No: D170067CAB
Date: 11 October 2017

Decision(s) and Reason(s)

Waste Services Contract Retender

(Item SSE 17/11 referred from Street Scene and Environment Services Advisory Board minutes of 9 October 2017)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 9 October 2017.

The Cabinet resolved that:

The recommendations of the Street Scene and Environment Services Advisory Board be approved as follows:

- (1) the way forward with regard to the Waste Services Contract specification and service levels outlined in the report be agreed;
- (2) a further report on the Inter Authority Agreement, cost analysis and financial arrangements be reported to the November meeting of the Advisory Board;
- (3) the evaluation criteria for the award of the contract be considered at the November 2017 meeting of the Advisory Board;
- (4) a detailed marketing and communications plan be reported to a future meeting of the Advisory Board; and
- (5) opportunities for joint client management across the West Kent Partners be explored.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 9 October 2017.

Signed Chief Executive: J Beilby

Date of publication: 13 October 2017

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

Decision Taken By: Cabinet
Decision No: D170068CAB
Date: 11 October 2017

Decision(s) and Reason(s)

The 2018-19 Local Government Finance Settlement - Technical Consultation Paper

(Report of Director of Finance and Transformation)

The report provided an overview of the Government's intended approach for the third year of the multi-year local government finance settlement together with a proposed response to the technical consultation paper published on 14 September 2017. Concern was expressed at the suggested changes to the New Homes Bonus allocation mechanism and the effect of redistribution of funding from district councils to upper tier authorities. It was therefore considered that districts should be removed from the council tax referendum principles or allowed to make increases equal to those of authorities responsible for social care.

The Cabinet resolved that:

The proposed response to the 2018-19 Local Government Finance Settlement Technical Consultation Paper, as set out at Annex 1 to the report, be approved.

Reasons: As set out in the report of the Director of Finance and Transformation.

Signed Chief Executive: J Beilby

Date of publication: 13 October 2017

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

Decision Taken By: Cabinet
Decision No: D170069CAB
Date: 11 October 2017

Decision(s) and Reason(s)

100% Business Rates Retention Pilots

(Report of Director of Finance and Transformation)

The report referred to the commitment made by the Government before the 2015 General Election to introduce a 100% Business Rates Retention Scheme. Details were given of an invitation by the Department for Communities and Local Government for authorities to submit bids by 27 October to participate in 100% business rates retention pilots in 2018/19. It was noted that any bid would need to be made in conjunction with other Kent authorities and delegated authority was sought to progress the matter as appropriate.

The Cabinet resolved that:

Delegated authority be granted to the Chief Executive and Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to determine:

- (1) whether the Council should join other Kent authorities in a bid for pilot status under the 100% Business Rates Retention Prospectus; and
- (2) if a bid is submitted from Kent as a whole, the detailed objectives and parameters of the bid.

Reasons: As set out in the report of the Director of Finance and Transformation.

Signed Chief Executive: J Beilby

Date of publication: 13 October 2017

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

Decision Taken By: Cabinet
Decision No: D170070CAB
Date: 11 October 2017

Decision(s) and Reason(s)

Parish Charter

(Item PPP 17/12 referred from Parish Partnership Panel minutes of 7 September 2017)

Consideration of recommendations to the Cabinet from the Parish Partnership Panel of 7 September 2017.

The Cabinet resolved that:

The recommendations of the Parish Partnership Panel be approved as follows:

The process of updating the Parish Charter, as outlined in the report, be agreed.

Reasons: As set out in the report submitted to the Parish Partnership Panel of 7 September 2017.

Signed Chief Executive: J Beilby

Date of publication: 13 October 2017

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