TONBRIDGE & MALLING BOROUGH COUNCIL

MINUTES OF COUNCIL,

CABINET

AND

COMMITTEE MEETINGS

2018

Volumes 1 - 4

OCT 2017 - OCT 2018

TONBRIDGE AND MALLING BOROUGH COUNCIL

MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 26th October, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs S M Barker and Cllr O C Baldock

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/62 DECLARATIONS OF INTEREST

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

LA 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.

PART 2 - PRIVATE

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

LA 17/64 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 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 DBS Certificate provided by the Applicant had disclosed a Conviction dated 8 December 2014 for Racially/Religiously aggrevated harassment/alarm/distress by words/writing on 26 October 2014 – Crime and Disorder Act 1998 s.31(1)(c).

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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(3) that, with regard to Cautions and Endorsable Fixed Penalties, Section 12.12.1 required that formal cautions and endorsable fixed penalties be treated as though they were convictions and must be disclosed; and

(4) that, with regard to previous convictions, Section 12.1.2 of the Policy stated that an application would normally be refused when it has been made within 4 years of the date of conviction for a racially aggravated s.5 Public Order Act 1986 offence (causing harassment, alarm or distress) under s.31(c) Crime and Disorder Act 1998.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the conviction and took into account that it was a sole offence with no history of similar misconduct. The Panel noted that the Applicant had pleaded guilty to the offence and appeared contrite. Having taken into account the circumstances 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 9.50 am
having commenced at 9.30 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 26th October, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs S M Barker and Cllr O C Baldock

Together with representatives of the Licensing Authority, Mr F Prescott (Applicant), Mrs L Lane (Owner of the premises), representatives of Environmental Health and Kent Police (Responsible Authorities) and Councillor M Base (Interested Party)

PART 1 - PUBLIC

LA 17/65 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 17/66 APPLICATION FOR NEW PREMISES LICENCE FOR HENGIST VILLAGE RESTAURANT AND BAR, 7 - 9 HIGH STREET, AYLESFORD

The Panel gave consideration to an application for a Premises Licence made by Mr Francis Walter Prescott under Section 17 of the Licensing Act 2003 in respect of premises known as Hengist Village Restaurant and Bar, 7-9 High Street, Aylesford. The application related to the Sale of Alcohol, Live Music, Recorded Music and Late Night Refreshment.

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 representations received during the statutory consultation period (as set out at Annexes 4, 5, 6 and 7 to the report).

The Panel listened carefully to the representations made by Mr F Prescott, Ms E Shaw on behalf of Kent Police, Mr C Kennard of the Environmental Protection Team and local resident Councillor M Base.

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. In addition the Panel had particular regard to

the provisions of Chapter 9 of the amended guidance issued under Section 182 of the 2003 Act and to the Council's Statement of Licensing Policy.

The Panel was satisfied that the hours of operation for sale of alcohol and live and recorded music as agreed between the applicant and Kent Police was acceptable. However, the Panel was not satisfied that the Licensing objective of preventing public nuisance would be met were any late night refreshment to be permitted because the provision of this service after 2300 hours would extend the length of time customers would remain on the premises and consequently lead to an increase in noise later into the night. The Panel determined that late night refreshment should be excluded from the licence.

The Panel was satisfied that the licensing objectives could properly be furthered with the imposition of mandatory conditions, conditions consistent with the operating schedule, those conditions agreed by the applicant with the Responsible Authorities (Kent Police, Kent Trading Standards and Tonbridge and Malling Borough Council Environmental Protection) and the following additional conditions:-

- A condition requiring a log to be kept of all training undertaken by staff, to be made available for inspection by the licensing authority or other responsible authority at all reasonable times;

- An amendment to the agreed condition requiring staff to be trained, to require such training to be carried out only with an accredited body;

- A requirement that the complaints log would be made available for inspection to the licensing authority or other responsible authority at all reasonable times.

The Panel also considered that the following additional conditions were required to further the licensing objective of the prevention of public nuisance:-

- A condition ensuring an appropriate facility for communication between local residents directly to the Designated Premises Supervisor (DPS) would be set up and maintained for the premises in the event of any issues;

- A condition requiring notices to be placed in prominent locations advising patrons to leave the premises quietly;

- A condition requiring all doors and windows to be kept closed at all times save for ingress and egress.

The Panel also made the following observations:-

- The issues surrounding the extractor fan, whilst not a matter for licensing, should be addressed as a matter of urgency;

- Staff should be advised that if they are requested to call taxis for customers, the drivers should be asked that the pick-up takes place in the car park rather than on the High Street.

Having had regard to the above 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 accompanying the application and the following conditions:-

Section E	**Live music:** Monday to Sunday from 12:00 hours until 23:00 hours
Section F	**Recorded music:** Monday to Sunday from 12:00 hours until 23:00 hours
Section I	**Late Night Refreshment:** None
Section J	**Supply of alcohol:** Monday to Sunday from 12:00 hours until 00:00 hours

Conditions:

1. CCTV to be installed inside covering the bar areas on all floors and the reception area, and outside the premises covering areas including the front, side and rear of the venue including the patio and garden areas.

2. CCTV must be operational at all times that the premises are open to members of the public.

3. CCTV recordings must be securely stored digitally and retained for a minimum of 14 days.

4. CCTV system must be regularly maintained and records of maintenance kept at the premises.

5. Signs to be displayed at all exits and in outside public areas requesting patrons to respect neighbours and leave/use the areas quietly.

6. Staff to oversee outside areas and engage with patrons to ensure noise levels are minimised to prevent nuisance to residents.

7. A log must be maintained on the premises of any incidents or complaints received and action taken and will be available for inspection.

8. All staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusal register. Such training (including refresher training) will be logged and provided not less than every twelve months. The training log will be made available for inspection by the Licensing Authority and responsible authorities at all reasonable times.

9. All staff training will be carried out by an accredited body.

10. The premises licence holder will ensure that there is a facility in place (such as a direct dial telephone number) that allows local residents to communicate directly with the designated premises supervisor in the event of any issues arising.

11. All doors and windows will be kept closed at all times except for ingress and egress.

12. The Challenge 25 proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or Home Office approved identity card baring the holographic 'PASS' mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.

13. A refusals log must be kept at the premises and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the Designated Premises Supervisor and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:

    - the identity of the member of staff who refused the sale
    - the date and time of refusal
    - the alcohol requested and the reason for refusal
    - description of the person refused alcohol

14. Posters of A4 size shall be displayed conspicuously on the premises in the customer facing areas.

- ‘Challenge 25’ to advise potential purchasers that suitable proof of age will be required for all purchasers who appear to be under 25

- ‘Proxy purchasing’ intended to warn adults not to buy alcohol for those under 18 years of age.

LA 17/67 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 12.08 pm
having commenced at 10.04 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 31st October, 2017

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 31st October, 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 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 M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr M O Davis, Cllr B T M Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr D Keers, Cllr Mrs F A Kemp, 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 M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, 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 B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors T I B Cannon, Mrs T Dean, S M Hammond, S M King, R D Lancaster, Miss S O Shrubsole and F G Tombolis

PART 1 - PUBLIC

C 17/63 DECLARATIONS OF INTEREST

Councillors R Betts and M Davis declared an Other Significant Interest in the item on Leisure Trust – Review of Service Fee/Business Plan on the grounds that they were members of the Board of the Tonbridge and Malling Leisure Trust. They withdrew from the meeting during its consideration.

C 17/64 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 11 July 2017 be approved as a correct record and signed by the Mayor.

C 17/65 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since May, he and the Deputy Mayor had attended 120 engagements including school fetes, plays and award presentations. He mentioned a range of events and highlighted the

Young Cricket Leaders Presentation at Lords Cricket Ground, the Disability Sports Day at the Angel Centre and the launch of Music at Malling. Members were advised of the successful Mayor's Garden Party where over £600 had been raised. Future events included a debate for 14 schools across the Borough at the Council Offices on 3 November and the Mayor's Quiz on 4 November. In relation to the latter, the Mayor said that 90 people had indicated that they would be attending and tickets for the raffle would be available after the meeting.

C 17/66 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 17/67 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 17/68 LEADER'S ANNOUNCEMENTS

Emergency planning

Further to his report to the last meeting on the Council's involvement in Kent-wide strategic briefings led by the Police following the bombing attacks in Manchester and London and the Grenfell Tower fire, the Leader advised that in recent months the authority had been directly involved in responding to two serious incidents within the Borough and one in London. The first related to a major gas leak in central Tonbridge on 24 August, requiring the evacuation of the local residents, in response to which an incident liaison officer was sent on site to establish any action by the Borough Council.

On Friday 15 September, after a failed terrorist attack at Parsons Green, the Council again found itself taking part in a Kent-wide strategic response. Events of that weekend took a dramatic turn on the Saturday when 24 flats within the Holborough Lakes development caught fire in the early hours of the morning, the Leader becoming aware of the unfolding events at 7.30 am. He advised that again officers were on the scene very rapidly and throughout the day staff from housing services and building control and an Incident Liaison Officer were on site, with staff from other services manning the emergency control centre at Kings Hill. The Council's involvement continued on the Sunday and to date.

The Leader expressed gratitude on behalf of Members to the Chief Executive and Management Team for their direct involvement but also to the staff who demonstrated the highest levels of professional judgement in ensuring the best possible service for the residents affected.

Business Rate Retention

The Leader reported that the Government had invited bids for the piloting of business growth rate retention in the financial year 2018/19, particularly encouraging two tier authorities to work together. In response, Kent Council leaders and Medway Council had joined forces to put forward a bid and the Leader provided the following update to Members.

The totality of the Kent and Medway financial bid at circa £25 million was significant due in part to the sheer size of the area. Were the bid to be successful, the funding would be divided into two streams – one going directly to individual councils to assist with financial sustainability and the second being pooled for economic growth on a 'cluster' basis.

The Leader reminded Members that the Borough Council no longer received revenue support grant and, as part of the move towards full business rate retention (part of a four year settlement), the Treasury was clawing back £1 million from the current business rate income. Furthermore, the closure of Aylesford Newsprint (formerly the Council's largest business ratepayer) had taken the Borough Council below the baseline for business rate retention purposes with the consequence that it would lose out on this potential source of funding but, worse, had to pay its share of the safety net from its own resources under the risk/reward model.

As the bid was in two parts and if awarded in full, Tonbridge and Malling would secure £560k as a windfall sum to assist with financial stability which would be most welcome. In addition, the Kent and Medway bid had a second allocation of funding for each of the three cluster areas. So for the West Kent cluster (Tunbridge Wells, Sevenoaks and Tonbridge and Malling) there was a potential further £1.055 million to support future housing and commercial growth in the region.

Consultation on standardised methodology for assessing housing needs

The Leader referred to the Government's consultation on a standardised methodology for assessing housing needs, a robust response having been prepared by Ian Bailey (Planning Policy Manager), in consultation with the Cabinet Members for Strategic Planning and Infrastructure and Finance, Innovation and Property and the Leader, and submitted by the consultation deadline of 9 November 2017. A copy would be sent to all Members the following morning and the subject reported to the next meeting of the Planning and Transportation Advisory Board with any further observations made by Members being sent to the department. The response would be shared with the Parish Councils in view of their local interest and reported to the Parish Partnership Panel at its next meeting.

The Leader stated that Tonbridge and Malling had a good track record of housing delivery despite being heavily constrained (77% Metropolitan Green Belt and AoNB designations), consistently delivering over and above the targets set by the former South East Plan to address the housing needs of the Borough and being able to demonstrate a five year housing land supply.

The authority also had a good track record for getting development plans in place, the Tonbridge and Malling Local Development Framework, adopted between 2007 and 2010, being one of the first in the country to comprise a complete set of documents. Preparation of the new Local Plan started soon after the publication of the NPPF in 2012 and much time and resources had been committed to preparing the evidence base, particularly the Strategic Housing Market Assessment, working closely with neighbouring authorities and using the same consultants G L Hearn and Partners. This had been updated regularly to take account of revised sub-national population and household projections and to take on board on-going national planning reforms, providing satisfaction that the methodology used was robust and fit for purpose.

Members were advised that over the last 15 years, a complete economic cycle, the Council had delivered an average of 605 new dwellings per year, the South East Plan housing target being 450 per year. The latest Objectively Assessed Need (OAN) for new homes was 696. The Council had now prepared complementary evidence for new infrastructure and for mitigating the potential impacts of this level of growth and consulted on a proposed development strategy for its new Local Plan that could potentially meet the OAN across two housing market areas, one of which was almost entirely designated as Metropolitan Green Belt.

The Leader drew attention to the current Local Plan timetable which anticipated carrying out a Regulation 19 consultation in respect of a draft Local Plan early in 2018 with submission of the Plan following later in the year, but after 31 March which was the date on which the new methodology was expected to come into force. He indicated that the proposed standardised methodology would result in the OAN increasing from 696 to 859 per year, an increase of 23%. Over the 20 year Local Plan period this equated to an additional 3,260 dwellings. To deliver this level of housing growth would require a growth rate of 1.6%, which had never been achieved in Tonbridge and Malling or indeed by any Local Authority in England over the period 2001-16. It was simply undeliverable unless there were to be intervention in the housing and construction market unprecedented in recent times.

If this level of increase was maintained as proposed in the consultation paper, the Leader stated that it would require the Council to revisit its evidence, revisit the sites already included within the call for sites and re-consult, resulting in an unavoidable delay in preparing the Local Plan at a time when sound progress was being made. He highlighted that if

the standardised OAN was accepted as a given and that there would be unmet need, it would be necessary to turn to the duty to cooperate and negotiate with neighbouring authorities within the two housing market areas to agree where the unmet need could be accommodated. However, it was already known that the Council's neighbours to the west (Sevenoaks and Tunbridge Wells) were unable to meet their current OAN let alone the need generated by the standardised methodology which would see further increases.

Leisure Trust

The Leader indicated that the Council's partnership with the Leisure Trust had entered its fifth year and had enabled the Council to secure a further saving of £150k per annum and reduce the management fee to zero. He advised that the Trust had also commenced a £750k investment scheme in the facilities at Larkfield Leisure Centre without requesting a penny from the Council and commented that just as important was the level of service being delivered to residents.

The Leader was therefore delighted to learn that Tonbridge Swimming Pool had recently been awarded Quest Outstanding for the second time. Further investigation revealed that of the 706 leisure centres in the UK being independently inspected by Quest only 12 had achieved this rating, two of those 12 facilities being Tonbridge Swimming Pool and Larkfield Leisure Centre. This placed the Council's facilities in the top 2%. Members were advised that Quest had now started to include the inspection of golf courses and Poult Wood Golf Course had already achieved Quest entry level status.

It was noted that in the Quest assessment of Tonbridge Swimming Pool, the inspectors made specific reference to the quality of the engagement by the Borough Council, both by the Cabinet Member and senior officers.

Remembrance Sunday and Poppy carpet

The Leader informed Members that on Friday 27 October hundreds of people gathered on the lawn at Tonbridge Castle as a magnificent carpet of knitted and crocheted poppies and a unique sculpture representing 'Women in War' were revealed to mark the launch of this year's Royal British Legion Poppy Appeal. The poppy carpet was the result of a project launched by the Borough Council with support from the Royal British Legion and Kent County Council which captured the interest of local residents and community groups who produced and donated thousands of knitted and crocheted poppies for the campaign.

The 'Women in War' sculpture was created by pupils at Hillview School for Girls as part of their after-school art club project with the help of local artist Guy Portelli. Hillview teachers Cavan Pledge and Sarah Pledge and Deputy RBL Poppy Appeal Co-ordinator Pam Mills led the project,

which aimed to reflect on the part women had played in war particularly in the approach to the centenary of the end of WW1 next year. The sculpture was dedicated to Margaret Waite, from Postern Farm, who joined the First Aid Nursing Yeomanry and left for France and Belgium to serve her country in 1914. She was awarded the Order of Leopold ll for bravery in the field, giving first aid to those on the front line trenches.

The Leader expressed thanks to all those who contributed to these projects. He concluded by passing to the Mayor the framed display of poppies presented to the Council at the launch event by Pilot Officer Tim Bristow (Tonbridge Squadron Royal Air Force Air Cadets) and suggested that it be displayed at Tonbridge Castle.

C 17/69 STRATEGIC RISK REGISTER

Item CB 17/54 referred from Cabinet minutes of 11 October 2017

RESOLVED: That the recommendations at Minute CB 17/54 be approved.

C 17/70 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW

Item CB 17/55 referred from Cabinet minutes of 11 October 2017

RESOLVED: That the recommendations at Minute CB 17/55 be approved.

C 17/71 APPOINTMENT OF CABINET

The Leader presented details of an amendment to 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 P Montague - Housing
Councillor H Rogers – Strategic Planning and Infrastructure
The Economic Regeneration portfolio to be held by the Leader

C 17/72 APPOINTMENT OF COMMITTEES, ADVISORY PANELS AND BOARDS AND OTHER MEMBER GROUPS

Consideration was given to the report of the Director of Central Services on appointments to a number of committees, advisory boards and panels and other Member groups as a consequence of the change to the composition of the Cabinet.

It was noted that there was no change to political balance and details were given of proposed changes to membership notified by the Conservative Group.

RESOLVED: That the appointments set out at paragraph 1.1.1 of the report be approved as follows:

Councillor Miss S Shrubsole to replace Councillor P Montague on the Overview and Scrutiny Committee, the Joint Standards Committee and the Communities and Housing Advisory Board (in the latter case as Chairman)

Councillor P Montague to replace Councillor Miss S Shrubsole on the Housing Associations Liaison Panel (as Chairman).

C 17/73 APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to the report of the Director of Central Services regarding the reappointment of Councillor A Sullivan as a nominated trustee of the Hospital of the Holy Trinity, Aylesford for a further four year term to November 2021.

Details were also given of an invitation from Medway Council for the Borough Council to appoint a representative to the Delivery Board established to progress the development of the Enterprise Zone at Rochester Airport.

RESOLVED: That

(1) Councillor A Sullivan be reappointed as a trustee of the Hospital of the Holy Trinity, Aylesford for a further four year term; and

(2) Councillor B Luker, as Chairman of the Economic Regeneration Advisory Board, be appointed as a representative on the Rochester Airport Delivery Board.

C 17/74 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 17/75 LEISURE TRUST - REVIEW OF SERVICE FEE/BUSINESS PLAN

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

Item CB 17/64 referred from Cabinet minutes of 11 October 2017

RESOLVED: That the recommendations at Minute CB 17/64 be approved.

The meeting ended at 8.02 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 8th November, 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 Mrs S M Barker, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr P J Montague, Cllr L J O'Toole, Cllr H S Rogers, Cllr Miss J L Sergison, 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 B J Luker and S C Perry.

PART 1 - PUBLIC

AP2 17/47 DECLARATIONS OF INTEREST

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

However, for reasons of transparency Councillor Balfour advised the Committee that in respect of application TM/17/01392/RM (Area 1 Kings Hill, Phase 3, Gibson Drive, Kings Hill) Kent County Council, of which he was the Cabinet Member for Planning, Highways, Transport and Waste, was the owner of the development site. As he did not have responsibility for financial matters at the County Council this did not represent either an Other Significant or Disclosable Pecuniary Interest and there was no requirement to leave the meeting.

AP2 17/48 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 27 September 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 17/49 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 17/50 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 2no. dog kennels and pens at The Nursery, Taylors 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

(1) Amended Conditions:

1. The occupation of the static mobile home shall be limited to:

- A person solely or mainly employed in the associated Nursery business or a widow (or widower) of such a person;
- A dependant living within the household of such a person referred to above

Reason: The occupation of the static mobile home by persons not associated with Nursery business would result in a separation of functions and expansion of movements and paraphernalia that could harm the openness of the Green Belt and character and visual amenity of the rural area.

2. The residential use hereby permitted shall cease within 1 month of the date that the horticultural enterprise at The Nursery no longer has an essential requirement for permanent on site presence. The caravan and any structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the residential use (including the dog pens and kennels) shall be removed and the land restored to its condition before the development took place in accordance with a scheme previously submitted to and approved by the Local Planning Authority.

Reason: To preserve the openness of the Green Belt and ensure that the character and visual amenity of the rural locality is not significantly harmed.

3. No replacement caravan shall be stationed on the site except in accordance with details that have been submitted to and approved by the Local Planning Authority in respect of its size and appearance.

Reason: To preserve the openness of the Green Belt and ensure that the character and visual amenity of the rural locality is not significantly harmed.

4. The static mobile home hereby approved shall only be stationed in the position shown on Drawing No. 1786/18A Rev 04/11 hereby approved and no additional caravan shall be stationed on the site at any time. The extent of the garden amenity area shall be limited to the area indicated on Drawing No. 1786/18A Rev 04/11 comprising 14m by 33m

Reason: To preserve the openness of the Green Belt and ensure that the character and visual amenity of the rural locality is not significantly harmed.

[Speaker: Richard Wallis – Trottiscliffe Parish Council]

AP2 17/51 TM/17/01392/RM - AREA 1, KINGS HILL PHASE 3, GIBSON DRIVE, KINGS HILL

Reserved matters for 132 dwellings in Area 1 (junction of Tower View and Kings Hill Avenue) being details relating to the siting, design and external appearance of the proposed buildings, the means of access, drainage and strategic landscaping involving discharge of conditions 1, 12, 13, 19, 20, 23, 37, 38 and 39 of TM/13/01535/OAEA (Outline planning permission for residential development) at Area 1, Kings Hill Phase 3, Gibson Drive, Kings Hill.

RESOLVED: That Reserved Matters be DEFERRED for the following:

- Further clarity on traffic movements generated by the Housing Area
- Further consideration of the location of the play area
- Further consideration of the impacts of having a single access point

Reason: To protect and enhance the appearance and character of the site and locality and in the interests of residential amenity.

[Speakers: Caroline Bridger, Kings Hill Parish Council and Matthew Woodhead, agent]

AP2 17/52 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 17th November, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr O C Baldock and Cllr M Taylor

Together with representatives of the Licensing Authority

An apology for absence was received from Councillor D Keers prior to the meeting and Councillor Baldock was appointed to serve on this meeting of the Panel

PART 1 - PUBLIC

LA 17/68 DECLARATIONS OF INTEREST

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

LA 17/69 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 17/70 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 16/2017

(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 Driver and Vehicle Licensing Agency (DVLA).

The Panel was advised that the DVLA printout attached at Annex 2 to the report had disclosed an offence dated 5 June 2015 of IN14 Causing or permitting offences, using a vehicle uninsured against third party risks and that the Applicant had 6 Penalty Points on his Driving Licence.

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

(1) that Section 12.7.2 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that an application would normally be refused where an applicant has 6 or more penalty points on his DVLA 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 Section 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

(4) that, with regard to previous cautions or convictions, a DVLA driver endorsement check was required to ensure that the information held by the DVLA was in accordance with the information submitted by the applicant. It was noted that Offence Code IN14 must stay on a driving licence for four years from the date of offence.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the six point penalty on the DVLA printout and concluded that the Applicant was a 'Fit and Proper' person to hold a licence. For this reason the Panel, therefore

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

The meeting ended at 10.15 am
having commenced at 10 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 17th November, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr O C Baldock and Cllr M Taylor

Together with representatives of the Licensing Authority

An apology for absence was received from Councillor D Keers prior to the meeting and Councillor Baldock was appointed to serve on this meeting of the Panel

PART 1 - PUBLIC

LA 17/71 DECLARATIONS OF INTEREST

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

LA 17/72 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 17/73 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 17/2017

(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 receipt of information from the Disclosure and Barring Service (DBS).

The Panel was advised that the Applicant, in submitting the application, had consented to the Council receiving a full print out of any previous convictions. The Panel noted that the DBS enhanced disclosure had shown one Caution dated 31 October 2011 administered by Kent Police for the offence of Destroy or Damage Property (Value of Damage £5,000

or less) – Offence against Criminal Damage Act 2011 only on 31 October 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 although some discretion may be appropriate if the offence was isolated and there were mitigating circumstances; and

(5) that Section 12.3.8 of the Policy stated that more weight would be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction where an application was made between 4 and 8 years after the date of conviction.

The Panel listened carefully to the Applicant's explanation of the circumstances of the offence and concluded that the Applicant was a 'Fit and Proper' person to hold a licence. For this reason the Panel, therefore

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

The meeting ended at 11.25 am
having commenced at 11 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 20th November, 2017

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

Councillors Mrs J A Anderson, D J Cure, N J Heslop and D Lettington were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell, Mrs M F Heslop and D Markham

PART 1 - PUBLIC

GP 17/18 DECLARATIONS OF INTEREST

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

GP 17/19 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 26 June 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 17/20 IMPLICATIONS FOR TONBRIDGE AND MALLING BOROUGH COUNCIL OF THE TRADE UNION ACT 2016

The report of the Director of Central Services set out the actions that the Borough Council was required to take in response to the Trade Union Act 2016. It was recommended that the statutory tables reporting on Trade Union 'Facility Time' be incorporated in future HR Strategy Update reports.

In relation to the public sector, the Act introduced a requirement for unions to make a reasonable payment to employers for deducting union subscriptions from salaries and making them over to unions. This was referred to as DOCAS – deduction of contribution at source – and the Borough Council was currently in negotiation with Unison concerning the level of payment.

The Act also required the Borough Council to publish certain information relating to time taken off by trade union officials employed by the

authority for trade union duties and activities, referred to as 'Facility Time'.

RECOMMENDED: That:

(1) the implications of the Trade Union Act 2016 be noted; and

(2) the Facility Time Monitoring Tables be included in the annual HR Strategy Update.

***Referred to Council**

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

GP 17/21 GENERAL DATA PROTECTION REGULATION - IMPLICATIONS FOR TONBRIDGE AND MALLING BOROUGH COUNCIL

The report of the Director of Central Services and Monitoring Officer provided an update on the General Data Protection Regulation (GDPR), highlighted the changes in data protection law as a result and set out the actions being taken to ensure future compliance.

It was reported that the core rules of data protection remained broadly the same. However, there were new obligations under the GDPR and the requirements of the new regime would be stricter. It was not only important to comply with the GDPR but it would be necessary to demonstrate how the Borough Council complied.

The key changes as a result of the new regulations were set out in paragraph 1.2 of the report. However, particular reference was made to the stricter and more detailed conditions for the use of consent. The Borough Council would need to review how this was sought, obtained, recorded and whether any changes in process were required.

Members were advised that face to face training on the new regime had been provided to senior officers. Online training for all staff would be rolled out in advance of the new legislation coming into force. It was also intended that training would be provided to Members and, given the importance of the regulations and the strict penalties for non-compliance, this would be mandatory.

RESOLVED: That the contents of the report be noted and the following appointments made:

(1) the Director of Central Services and Monitoring Officer as the Council's Data Protection Officer; and

(2) the Principal Solicitor and Principal Solicitor (Litigation) as Deputy Data Protection Officers.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 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.

However, the Committee also agreed that the Unison representative (Mark Hammond) could make a short statement on the Review of the Planning Service.

PART 2 - PRIVATE

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

GP 17/23 ESTABLISHMENT CHANGES

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

The report of the Director of Central Services set out for approval a number of establishment changes arising from the ongoing operational management of the Borough Council's services.

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

(1) a new 15.5 hours per week post of Waste & Enforcement Support Officer (scale 4) be established with effect from 1 December 2017;

(2) post DE0505 Administration Officer scale 2/3 be reduced from 30 to 25 hours per week with effect from 1 December 2017;

(3) post DG0213 Waste & Enforcement Support Officer scale 4 be reduced from 18.5 to 15 hours per week with effect from 1 December 2017;

(4) post DG0208 Waste & Enforcement Officer scale 5 be reduced from 37 to 30 hours per week with effect from 1 December 2017;

(5) post DR0402 be re-designated Head of Licensing, Community Safety and Customer Services grade M5 with effect from 1 December 2017;

(6) post DR0403 be re-designated Senior Licensing Officer grade Senior Officer with effect from 1 December 2017;

(7) the hours of post DR0405 (Licensing Administration Officer – grade 3 / 4) be increased from 15 to 25 per week with effect from 1 December 2017;

(8) the current post of Gateway Manager M8 be deleted and replaced with the post of Gateway Manager M9 with immediate effect;

(9) the hours of post DB0320 (Customer Services Advisor scale 2 / 3) be reduced from 15 to 11.25 per week with immediate effect;

(10) the hours of post DB0302 (Customer Services Supervisor scale 4 / 5) be increased from 30 to 37 per week with immediate effect;

(11) the post of Senior Customer Services Advisor, DB0305 grade 3 be deleted with immediate effect;

(12) the hours of post DB0308 (Customer Services Advisor scale 2 /3 be increased from 16.25 to 18 per week with immediate effect;

(13) the hours of post DB0308 (Customer Services Advisor scale 2/ 3) be increased from 8 to 8.75 per week with immediate effect;

(14) a new 8 hour per week post of Customer Services Assistant scale 1/ 2 be established with immediate effect;

(15) the post of Administration Officer DA0217 scale 3 /4 be deleted with immediate effect;

(16) the hours of the post of Administration Officer DA0218 be increased from 19.5 to 26.5 per week with immediate effect;

(17) the hours of post DC0403 (Electoral Services Officer scale 3 /4 be reduced from 24 to 20 per week with immediate effect;

(18) the sum of £5,389 arising from the amendments to the establishment in the Electoral Services and Central Services Administration Teams be ring-fenced for 12 months;

(19) the hours of post DN0101 (Development Manager - grade M6) be confirmed as15 per week with effect from 1 April 2018;

(20) the hours of post DN0104 (Senior Analyst Programmer - grade M7) be confirmed as 22.5 per week with effect from 1 January 2018;

(21) a new full time post of Developer (grade SO/M9) be established with effect from 1 January 2018; and

(22) a budget of £15,000 for IT consultancy support be confirmed in the estimates for 2018/19 onwards.

GP 17/24 REVIEW OF THE PLANNING SERVICE

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

The report of the Director of Planning, Housing and Environmental Health set out proposals, supported by Management Team, for the redesign of the Development Control and Planning Policy Teams within the Planning Service.

The Committee noted the comments made by the Unison representative and gave this careful consideration as part of their deliberations.

RESOLVED: That:

(1) the proposals set out in the report be approved; and

(2) any further amendments arising from staff consultation be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Director of Central Services

GP 17/25 ESTABLISHMENT CHANGES - HOUSING SERVICES

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

The report of the Director of Planning, Housing and Environmental Health addressed some key managerial and operational changes focused primarily on the Housing Service. It covered organisational issues and some specific resource matters arising from new duties for the Borough Council in the Homelessness Reduction Act 2017.

RESOLVED: That

(1) the following changes to the establishment be approved and to take effect from 1 December 2017:

- Posts DV0003 and DV0004 (Chief Environmental Health Officer and Head of Housing) be deleted;

- A new post of Head of Housing and Health be created at grade M4;

- Post DV0724 (Housing Services Improvement Manager) be regraded to M8;

- Three new posts of Housing Options and Support Officer/Accommodation Office be created at Scale 5/6;

- Post DV0714 (Housing Options and Support Officer) be reduced to 22.2 hours weekly; and

(2) the following changes to the establishment be approved and to take effect from 1 January 2018:

- Post DV0901 (Private Sector Housing Manager) be re-designated as Private Sector Housing and Wellbeing Manager, regraded at M7 and become a full time post;

- Post DV0902 be re-designated as Environmental Health Officer (Housing) at grade M9 as a full time post;

- Post DV0903 (Private Sector Housing Manager – part time) be deleted.

The meeting ended at 8.49 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 28th November, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock, Cllr Mrs P A Bates, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr B T M Elks, Cllr D Keers, Cllr Mrs F A Kemp, Cllr S M King, Cllr R V Roud and Cllr M Taylor

Councillors N J Heslop and A K Sullivan were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S M Barker (Vice-Chairman), M C Base, H S Rogers and F G Tombolis

PART 1 - PUBLIC

LA 17/74 DECLARATIONS OF INTEREST

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

LA 17/75 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 28 September 2017 be approved as a correct record and signed by the Chairman.

LA 17/76 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 4 October, 26 October and 17 November 2017 be received and noted.

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

LA 17/77 REVIEW OF FEES AND CHARGES 2018/19 - 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 2018/19 in respect of Hackney Carriage and Private Hire Licences, Pleasure Boats and Boatmen, Scrap Metal Dealers, Animal Licensing, Street Trading Consents and Sex Establishments.

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 2018.

LA 17/78 CONSULTATION ON FIXED ODDS BETTING TERMINALS (FOBTS)

The report of the Director of Central Services and Monitoring Officer gave details of a Government consultation on proposals relating to gaming machines and social responsibility measures. It was noted that the number of licences for betting shops in the Borough had remained stable at 10 for many years and no complaints had been received by the Licensing team.

A summary of the questions posed in the consultation had been circulated to Members and responses received in relation to the maximum stakes and prizes, allocation of gaming machines permitted in licensed premises and social responsibility measures for the whole industry were collated for discussion. The Committee endorsed the comments made and considered the need to regulate repeat betting and the frequency of visits to betting shops. Reference was also made to the possibility of reducing advertising and placing a “health warning” on every machine and increasing the levy on premises outside betting shops which had gaming machines. Members were invited to submit any further comments to enable a final response to be produced in consultation with the Chairman and Vice-Chairman.

RESOLVED: That the report be received and noted and a response be finalised in consultation with the Chairman and Vice-Chairman.

LA 17/79 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 7th December, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr D Keers and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/80 DECLARATIONS OF INTEREST

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

LA 17/81 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 17/82 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 18/2017

(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 DBS Certificate dated 14 September 2017 had disclosed that the Applicant had received a Caution dated 26 November 2014 for Destroy or Damage Property (Value of Damage £5,000 or less) – Offence against Criminal Damage Act 1971 only on 25 November 2014.

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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(3) that Section 12.12.1 required that Cautions and Endorsable Fixed Penalties should be treated as though they were convictions and must be disclosed; and

(4) that Section 12.1.2 of the Policy stated that an application would normally be refused where the applicant has a conviction of an offence of Criminal Damage and the conviction is less than 4 years prior to the date of the application.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Caution. However, the Panel remained concerned that, given the nature of the incident giving rise to the Caution, public safety might be compromised by granting a licence within the 4 year period where the Policy indicated that an application would ordinarily be refused. For this reason the Panel was not satisfied that the Applicant would be a 'Fit and Proper' person to hold a licence and, therefore,

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

The meeting ended at 10.38 am
having commenced at 10.15 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 7th December, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr D Keers and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/83 DECLARATIONS OF INTEREST

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

LA 17/84 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 17/85 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 19/2017

(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 DBS Certificate dated 22 August 2017 had disclosed that the Applicant had received a Caution dated 7 April 2015 for Battery on 6 April 2015 – Criminal Justice Act 1988 S.39.

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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(3) that Section 12.12.1 required that Cautions and Endorsable Fixed Penalties should be treated as though they were convictions and must be disclosed; and

(4) that, in respect of previous convictions, the offence of Battery was not specifically listed within Section 12.3 of the Policy. However, the offence was one which involved violence and the Panel was invited to consider the general policy listed at Policy Section 12.3.1 and the shorter 4-8 year period (within Section 12.3.2) for lower-order violent offences as the appropriate guideline when considering the application

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Caution. However, there was no evidence presented which persuaded the Panel to depart from the general policy requirements. For this reason the Panel was not satisfied that the Applicant would be a 'Fit and Proper' person to hold a licence and, therefore,

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

The meeting ended at 11.24 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 13th December, 2017

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

PART 1 - PUBLIC

AP2 17/53 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, for reasons of transparency, Councillor Balfour advised the Committee that in respect of application TM/17/01392/RM (Area 1 Kings Hill, Phase 3, Gibson Drive, Kings Hill) Kent County Council, of which he was the Cabinet Member for Planning, Highways, Transport and Waste, owned the freehold of the development site. As he did not have responsibility for financial matters at the County Council this did not represent either an Other Significant Interest or a Disclosable Pecuniary Interest and there was no requirement to leave the meeting.

AP2 17/54 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 8 November 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 17/55 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 17/56 TM/17/01392/RM - AREA 1 KINGS HILL, PHASE 3, GIBSON DRIVE, KINGS HILL

Reserved matters for 132 dwellings in Area 1 (junction of Tower View and Kings Hill Avenue) being details relating to the siting, design and external appearance of the proposed buildings, the means of access, drainage and strategic landscaping involving discharge of conditions 1, 12, 13, 19, 20, 23, 37, 38 and 39 of TM/13/01535/OAEA (outline planning permission for residential development) at Area 1 Kings Hill Phase 3, Gibson Drive, Kings Hill, West Malling.

RESOLVED: That the Reserved Matters detailed in the report of the Director of Planning, Housing and Environmental Health be APPROVED subject to the addition of Informative

7. An alternative surfacing for the raised table is suggested in terms of bonding pattern and texture to ensure it is more distinguishable as a traffic calmed area.

[Speaker: Chris Hawkins – Agent to the applicant]

AP2 17/57 (A) TM/17/01522/FL (B) TM/17/01438/LB - THE PLOUGH INN, TAYLORS LANE, TROTTISCLIFFE

(A) Change of use from A4 public house/managers flat to C3 two bed residential dwelling and new roof to single storey side building and
(B) Listed Building Application: New roof to single storey side extension and undertaking internal and external alterations to facilitate proposed change of use from public house to a dwelling house at Plough Inn, Taylors Lane, Trottiscliffe.

RESOLVED: That

(1) Application (A) TM/17/01522/FL be REFUSED for the following reason

1. The proposal is contrary to Policy CP26 of the Tonbridge and Malling Borough Core Strategy 2007 as it would result in the loss of a Public House last used for the benefit of the community and there is no alternative available of at least equivalent quality to meet need and it has not been proved that for the foreseeable future there is no need or inadequate support for the facility.

(2) Application (B) TM/17/01438/LB be REFUSED for the following reason

1. The removal of the bar serving area and the addition of stud partition wall facilitates the loss of a Public House and is therefore harmful to its historic interest and is also contrary to paragraph 17 of the National Planning Policy Framework 2012 which requires conservation of heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Similarly the proposal is contrary to paragraph 131 of the National Planning Policy Framework 2012 which requires local planning authorities recognise the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

[Speakers: Mr D Gaunt – Trottiscliffe Parish Council; Mr P Carty, Mr I Mills, Mrs A Prountzos, Mr D Prountzos, Mrs J Catt, Mr J Comber, Mr O Shaw, Mr J Bennett, Mrs F Bennett, Mr J Copson, Mr J Skinner, Mr D Slattery, Mrs A Gough, Mrs L Pigott and Mr R Wallis – members of the public; and Mrs D Carson – Applicant]

AP2 17/58 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.42 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 4th January, 2018

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 D Lettington, Cllr R V Roud, Cllr A K Sullivan and Cllr T C Walker

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

Apologies for absence were received from Councillors Mrs A S Oakley and B W Walker

PART 1 - PUBLIC

AP3 18/1 DECLARATIONS OF INTEREST

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

However, Councillors Base and T Walker advised that they were members of Aylesford Parish Council. As neither of them sat on the parish planning committee this was not considered an Other Significant Interest or Disclosable Pecuniary Interest and there was no reason to withdraw from the discussion.

AP3 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 24 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

AP3 18/3 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 18/4 TM/17/02248/OA - TADDINGTON WOOD, NORTH OF ROBIN HOOD LANE, BLUE BELL HILL

Outline Application for the erection of 5 dwelling houses and 5 detached garages with associated parking, turning areas and landscaping at Taddington Wood, North of Robin Hood Lane, Blue Bell Hill.

RESOLVED: That planning permission be GRANTED, subject to:

- The applicant entering into a Section 106 Agreement relating to a public open space contribution, in accordance with policy OS3 of the MDE DPD; and

- The submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Amend Condition 15:

15. Prior to the commencement of the development hereby approved:

(a) A scheme for managing the woodland as identified at Figure 2 of the Reptile Survey dated 20 July 2017 (Reference 2017/04/05), including measures which prevent public access to this area shall be submitted to and approved by the Local Planning Authority. The details approved shall thereafter be implemented.

(b) Following the approval and implementation of the approved management scheme, the mitigation measures set out within the Reptile Survey dated 20 July 2017 (Reference 2017/04/05) shall be undertaken in full.

Reasons: In the interests of nature conservation and biodiversity.

(2) Delete Condition 16

(3) Amend Informative 1:

1. During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday to Friday 0730 hours – 1830 hours, Saturdays 0800-1300 hours with no such work on Sundays or Public Holidays.

[Speakers: Susan Simpkin – agent]

AP3 18/5 TM/17/02838/FL - 1 RUSSETT CLOSE, AYLESFORD

Erection of an outbuilding within the garden to be used as a residential annex and erection of a new section of front fence 2m high at 1 Russett Close, Aylesford.

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 5:

5. The plot as identified by the red line shown on the site location plan received on 10 October 2017 shall not be physically subdivided in any way.

Reason: To safeguard against the subdivision of the existing single residential curtilage that would facilitate independent occupation of the approved development as a separate unit of accommodation.

(2) Delete Condition 7

(3) Additional Informative 2:

2. The applicant is encouraged to provide additional planting within the site as indicated in the supporting statement submitted in connection with the planning application.

[Speakers: Aylesford Parish Council (John Balcombe); Brian Emery, Denise Atkins, John Lockyer, Paula Lewis, Julie Cheah, Andrew Leigh, Brian Collin and Stuart Walker (members of the public) and Mrs Kerner (applicant)]

AP3 18/6 TM/17/03088/FL - 353 WATERINGBURY ROAD, EAST MALLING

Change of use of land to extend existing caravan site for holiday static caravans at land adjoining Hillberry House, 353 Wateringbury Road, 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.

PART 2 - PRIVATE

AP3 18/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.15 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 22nd January, 2018

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

Grant Thornton, External Auditors: Ms S Ironmonger (former Engagement Lead) and Mr C McLaughlin (Engagement Lead)

Councillors P F Bolt, Mrs A S Oakley and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

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

PART 1 - PUBLIC

AU 18/1 DECLARATIONS OF INTEREST

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

AU 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 4 September 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

AU 18/3 RISK MANAGEMENT STRATEGY

The report of the Management Team invited Members to review the Risk Management Strategy which set out the Council's risk management objectives and detailed the roles and responsibilities of officers, Members and partners in the identification, evaluation and cost-effective control of risks. Attention was drawn to the resourcing pressures in respect of 'Emergency Planning' and the addition of a new strategic risk in relation to potentially contaminated land.

RECOMMENDED: That

(1) the updated Risk Management Strategy be commended to Cabinet for adoption by Council;

(2) the impact of ongoing resourcing pressures to respond in respect of the identified risk 'Emergency Planning' and the intention to report resourcing requirements to the next meeting of the General Purposes Committee be noted; and

(3) the emergence of a new strategic risk in respect of the monitoring of potentially contaminated land be noted.

AU 18/4 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2018/19

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April to December of the current financial year. The report explored the use of diversified income funds for medium term investment and recommended their inclusion in the 2018/19 Annual Investment Strategy.

RECOMMENDED: That the following be commended to the Council

(1) the treasury management position as at 31 December 2017 and the higher level of income incorporated in the 2017/18 revised estimates be noted;

(2) the Council's exposure to property funds in 2018/19 as additional long term funds become available, e.g. from selling property, be increased;

(3) the limited use of diversified income funds for medium term investment be endorsed; and

(4) the Annual Investment Strategy for 2018/19, as set out at Annex 4 to the report, be adopted.

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

AU 18/5 ANNUAL REVIEW OF ANTI-FRAUD POLICIES AND WHISTLEBLOWING POLICY

The report of the Director of Finance and Transformation set out details of the outcome of the annual review of the Anti-Fraud, Bribery and Corruption Policy, the Housing Benefit Anti-Fraud Policy, the Council Tax Reduction, Discounts and Exemptions Anti-Fraud Policy and the Whistleblowing Policy. Members noted that, following approval, the policies would be circulated to all staff with computer access via Netconsent and would be available on the Council's internal and external websites.

RESOLVED: That

(1) the Anti-Fraud Policies, as set out at Annexes 1, 2 and 3 to the report, be approved; and

(2) the General Purposes Committee be invited to approve the Whistleblowing Policy as set out at Annex 4 to the report.

AU 18/6 INTERNAL AUDIT CHARTER

The report of the Chief Audit Executive provided details of the outcome of the review of the Internal Audit Charter.

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

AU 18/7 ANTI-MONEY LAUNDERING POLICY

The report of the Director of Finance and Transformation set out details of a recent review of the Council's Anti-Money Laundering Policy and associated guidance following the introduction of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 in June of last year. Members were advised that, in anticipation of the planned retirement of the Exchequer Services Manager on 31 March 2018, the designated Money Laundering Reporting Officer would be the Financial Services Manager. Members noted that, following approval, the policy would be circulated to all staff with computer access via Netconsent and would be available on the Council's internal and external websites.

RESOLVED: That the Anti-Money Laundering Policy and associated documentation, as set out at Annexes 1 and 2 to the report, be approved and the change of designated Money Laundering Reporting Officer be noted.

AU 18/8 ACCOUNTING POLICIES

The report of the Director of Finance and Transformation set out details of the proposed Accounting Policies to be used in the preparation of the 2017/18 Financial Statements and made particular reference to a change to be made in respect of componentisation.

RESOLVED: That the Accounting Policies to be used in the preparation of the 2017/18 Financial Statements, as set out at Annex 1 to the report, be approved.

AU 18/9 SCALE OF AUDIT FEES FOR 2018/19

The report of the Director of Finance and Transformation set out details of the proposed scale of audit fees for the work to be undertaken by appointed auditors in respect of the 2018/19 financial statements.

RESOLVED: That the proposed scale of audit fees for 2018/19 be endorsed.

MATTERS SUBMITTED FOR INFORMATION

AU 18/10 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 December 2017.

RESOLVED: That the report be received and noted.

AU 18/11 GRANT THORNTON - AUDIT COMMITTEE UPDATE

The report of the Director of Finance and Transformation provided an update and progress report on work undertaken by the external auditors, Grant Thornton. The committee welcomed the new Engagement Lead, Mr Ciaran McLaughlin, and thanked Sarah Ironmonger for her contribution to the work of the Audit Committee.

RESOLVED: That the report be received and noted.

AU 18/12 GRANT THORNTON CERTIFICATION LETTER FOR 2016/17

The report of the Director of Finance and Transformation summarised the outcomes of certification work undertaken by the Council's external auditors, Grant Thornton, for 2016/17.

RESOLVED: That the report be received and noted.

AU 18/13 ANNUAL AUDIT LETTER

The report of the Director of Finance and Transformation informed Members of the receipt of the Annual Audit Letter for the year ended 31 March 2017 and set out details of the key messages arising from audit and performance assessment work.

RESOLVED: That the report be received and noted.

AU 18/14 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.33 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 23rd January, 2018

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 P F Bolt, Cllr J L Botten, Cllr T I B Cannon, Cllr Mrs F A Kemp, Cllr Mrs S L Luck, Cllr M Taylor, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr T C Walker and Mr D Still

Councillors O C Baldock, V M C Branson, N J Heslop, D Lettington, R V Roud and Miss J L Sergison were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors D Keers and M R Rhodes and Mr P Drury

PART 1 - PUBLIC

OS 18/1 DECLARATIONS OF INTEREST

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

OS 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 24 January 2017 be approved as a correct record and signed by the Chairman.

OS 18/3 REVIEW OF THE SCRUTINY FUNCTION

Consideration was given to a report by the Chairman of the Overview and Scrutiny Committee making suggestions as to how the Committee could add value to the delivery of the Council's Savings and Transformation Strategy. Reference was made to the concerns expressed at the recent meeting of the Finance, Innovation and Property Advisory Board about the need for Members to have a more active role in exploring areas of Council expenditure that could be reviewed and assessing opportunities for making the savings/increase in income needed.

For background information, a summary of the Savings and Transformation Strategy was provided including performance over the past three years regarding achievement of the savings targets. The Chairman put forward a suggested approach involving up to six formal meetings of the full Committee (rather than scrutiny panels) over the

coming year, each focusing on one or two potential savings or opportunities for increased income. It had been agreed with officers that the two outstanding reviews of the Gibson Building – Option Appraisal and the Council's Constitution would be completed via special meetings of the Committee in March/April. A list of initial suggestions for review was set out and Members invited to contribute ideas.

RESOLVED: That the proposals set out in the report be endorsed.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 18/4 REVENUE ESTIMATES 2018/19

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 for 2018/19 within the context of the Medium Term Financial Strategy (MTFS) and the Council's priorities.

Details were given of the provisional Local Government Finance Settlement and the position regarding New Homes Bonus funding. Members were advised that the Secretary of State had increased the threshold for triggering a referendum on council tax increase to the higher of 3% or £5.

The report indicated the factors to be taken into account when updating the MTFS and referred to the Savings and Transformation Strategy (STS) which provided a structure and focus for addressing the significant financial challenge facing the Council. Progress was reported on savings achieved and it was noted that the MTFS would continue to be updated as more information became available and the targets and timescales within the STS would be revisited and realigned with the latest projected funding gap during the budget setting process. Reference was also made to the successful outcome of the Kent and Medway authorities' bid for pilot status in respect of 100% business rates retention.

The report suggested a mechanism for responding to the technical consultation announced by the Secretary of State, entitled "Fair funding review: a review of relative needs and resources" in view of the timescales involved.

RECOMMENDED: That

(1) the draft Revenue Estimates contained in the Booklet be endorsed and commended to the Cabinet for its meeting on 8 February 2018;

(2) the Savings and Transformation Strategy be updated to reflect the latest projected 'funding gap' as part of the budget setting process; and

(3) delegated authority be given to the Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property to respond to the technical consultation entitled "Fair funding review: a review of relative needs and resources".

OS 18/5 CAPITAL PLAN REVIEW 2017/18

Consideration was given to the report of the Director of Finance and Transformation which set out progress on the 2017/18 Capital Plan Review and sought endorsement of recommendations to the Cabinet. Particular reference was made to the reduction of £50,000 in the Council's funding of Disabled Facility Grants, arising from a review of spending and associated government grant funding, which would contribute towards the savings target.

RECOMMENDED: That

(1) the recommendations of the Finance, Innovation and Property Advisory Board held on 3 January 2018, as set out at paragraph 1.3 of the report, be endorsed; and

(2) the Capital Strategy, as set out at Annex 5 to the report, be endorsed for adoption and publication on the Council's website.

OS 18/6 SELECT COMMITTEE REVIEW OF EFFECTIVENESS OF LOCAL AUTHORITY OVERVIEW AND SCRUTINY COMMITTEES

The report of the Chief Executive summarised the Select Committee review of the effectiveness of local authority overview and scrutiny committees and considered the recommendations arising. Reference was made to the Council's approach to the overview and scrutiny function and it was noted that three of the five Select Committee recommendations were already implemented. The remaining recommendations advocated overview and scrutiny matters being reported to full Council rather than the Executive and that service users and the public should be more involved in the scrutiny process.

Members suggested that the circumstances and process for referring recommendations to the Council be considered fully during the review of the Constitution.

RECOMMENDED: That

(1) the recommendations of the Select Committee regarding the effectiveness of Overview and Scrutiny Committees be noted; and

(2) further consideration be given to

(i) the introduction of a process whereby recommendations of the Overview and Scrutiny Committee which are not accepted by Cabinet can then be referred to full Council;

(ii) where appropriate to the review being undertaken, opportunities to engage service users and the public be explored to assist with that review.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 18/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.31 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 29th January, 2018

Present: Cllr O C Baldock (Chairman), Cllr M A C Balfour, Cllr P F Bolt, Cllr M A Coffin, Cllr B J Luker, Cllr S C Perry, Cllr R V Roud, Cllr C P Smith and Cllr M Taylor

Councillors Mrs J A Anderson, D J Cure, N J Heslop, D Lettington, Mrs A S Oakley and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors L J O'Toole (Vice-Chairman), Mrs S Bell and Mrs M F Heslop

PART 1 - PUBLIC

GP 18/1 DECLARATIONS OF INTEREST

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

GP 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 20 November 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 18/3 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 2018/19. 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 2018/19 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 18/4 PAY AWARD 2018

Consideration was given to the report of the Chief Executive which examined a range of factors relevant to the issue of a pay award for employees in 2018/19. These included prevailing economic conditions, comparative pay settlements, movement in the retail price and consumer price indices and the Council's budget position.

Reference was made to the provision for pay inflation of 2% in the Medium Term Financial Strategy and the need for the Council to maintain the ability to recruit and motivate staff with the appropriate skills to meet the employment challenges ahead. Members were advised that employees had been fully informed of the financial challenges facing the authority through the Joint Employee Consultative Committee and Unison. It was proposed to offer a 2% award for 2018/19 in line with the national offer (upon which agreement had not yet been reached). It was noted that there was nothing to preclude a further report to the Committee should the national pay agreement prove different to the current offer.

RESOLVED: That a 2% pay award from 1 April 2018 be approved.

GP 18/5 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 22 January 2018. 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 18/6 GENDER PAY GAP REPORT 2016/17

The report of the Director of Central Services summarised the legislative context for gender pay gap reporting and incorporated the outcomes of the gender pay gap analysis for 2016/17.

RESOLVED: That the outcomes of the gender pay gap analysis, as set out in section 1.2 of the report, be noted.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 18/7 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

GP 18/8 ESTABLISHMENT CHANGES

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

The report of the Director of Central Services set out for approval a number of establishment changes arising from the ongoing operational management of the Council's services.

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

(1) the extension of the grades attaching to posts DG0009, DJ0003, and DF0101 (from 3/4 to 3/4/5) from 1 December 2017;

(2) the establishment of a new Civil Enforcement Officer Supervisor post, scale 4, 37 hours per week with effect from 1 February 2018;

(3) the hours of the Senior Administration Officer post DE0513 scale 4/5 be reduced from 37 to 22.5 per week with effect from 1 February 2018;

(4) the hours of the Administration Officer post DE0505 scale 2/3 be reduced from 25 to 22.5 per week with effect from 1 February 2018;

(5) the establishment of a temporary scale 6 Senior Waste & Enforcement Support Officer 21.5 hours per week with immediate effect until 31 March 2019;

(6) the increase in the hours of post DG02013 Waste & Enforcement Support Officer scale 4 from 15 to 30.5 hours per week with effect from 1 February 2018;

(7) the deletion of post DG2014 Waste & Enforcement Support Officer scale 4, 15.5 hours per week with effect from 1 February 2018;

(8) the establishment of the post of Emergency Planning & Business Continuity Support Officer grade SO, 15 hours a week with effect from 1 February 2018;

(9) the creation of a budget of £35,000 to fund anticipated enhancements to the Council's staff emergency call out arrangements, and the delegation of authority to Management Team to determine the details of these arrangements;

(10) the reduction of the hours of post DB0201 Personnel & Development Manager from 37 to 22.5 per week with effect from the commencement of the employment of the new Personnel Adviser;

(11) the establishment of a post of Personnel Adviser, 37 hours per week, M9 with effect from 1 February 2018*;*

(12) the hours of post DA1001 Building & Facilities Manager, M6 be reduced from 37 to 22.5 per week with effect from 1 February 2018;

(13) the balance of £5,957 remaining from the re-structure within Central Services be ring fenced pending further adjustments to the establishment;

(14) the reduction in the hours of post DF0528 Overpayment Recovery Assistant scale 3/4 from 37 to 22.5 hours per week with effect from 1 April 2018;

(15) the deletion of vacant post Clerical Support Officer DF0513 scale 1/2, 20 hours per week with effect from 1 February 2018;

(16) a new post of Overpayment Recovery Clerk scale 1/2, 37 hours per week be established with effect from 1 February 2018;

(17) the post of Systems and Support Manager DF0521 SO/M9 be deleted with effect from 1 February 2018;

(18) a new post of Revenue & Benefits Business Support Manager M8, 37 hours per week be created with effect from 1 February 2018 and the existing incumbent of post DF0521 be re-deployed to this post;

(19) the post of Revenue & Benefits Liaison Manager DF0907 SO/M9 be deleted with effect from 1 February 2018;

(20) the savings of £42,284 from the establishment changes outlined in paragraph 1.7 to the report be ring fenced pending a review of the Revenue and Benefits team;

(21) the post of Exchequer Services Manager DF0403 M8, 22.5 hours per week be deleted with effect from 1 April 2018;

(22) the post of Payroll Officer DF0406 SO, 28 hours per week be deleted with effect from 1 April 2018;

(23) a new post of Exchequer Services and Systems Manager M9/M8, 37 hours per week be created with effect from 1 April 2018 and the existing incumbent of post DF0406 be re-deployed to this post;

(24) the hours of post DF0409 Exchequer Assistant scale 2/3 be reduced from 32 hours to 22.5 hours per week with effect from 1 April 2018; and

(25) the hours of post DF0412 Exchequer Assistant scale 2/3 be increased from 30 to 37 per week with effect from 1 April 2018.

The meeting ended at 8.18 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 1st February, 2018

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 D Keeley, Cllr S M King, Cllr Mrs A S Oakley, Cllr R V Roud 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 Keers, D Lettington, A K Sullivan and B W Walker

PART 1 - PUBLIC

AP3 18/8 DECLARATIONS OF INTEREST

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

AP3 18/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 4 January 2018 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 18/10 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.

AP3 18/11 TM/17/02655/FL - LAND WEST OF ROCHESTER ROAD, ROCHESTER

Hybrid planning application (land west of Rochester Road, Rochester):

(A) Full planning application for the creation of a new vehicular access to Rochester Road, the erection of buildings with up to 2,226sqm of floor space for storage, distribution use and wholesale trade distribution (Class B8) and/or use for general industry (Class B2) including layout of internal road and hardstanding with the installation of services (Phase 1)

(B) Outline planning application with all matters except access reserved, for the erection of buildings with up to 2,021sqm of floor space for use with storage, distribution, wholesale trade distribution (Class B8), general industry (Class B2) and/or offices (Class B1) including the change of use of up to 1,470sqm of open land to storage and distribution (Class B8) and the layout of internal roads and hardstanding with the installation of services (Phase 2)

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:

22. No development in any phase shall commence until a construction management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The construction of the development of the relevant phase shall thereafter take place in strict accordance with the plan approved for that phase.

Reason: To ensure the safe and free flow of traffic

(2) Amended Conditions:

5. No development of any phase of the development shall take place above ground level, until such time that a scheme of hard and soft landscaping and boundary treatment in that phase including a scheme for the future management of the communal open spaces has been submitted to and approved by the Local Planning Authority. The scheme of soft landscaping shall be designed to enhance the existing boundary screening of the site wherever possible, particularly the northern site boundary. 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 comprised in the relevant phase 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, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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.

6. No development in any phase of development, other than that expressly required in compliance with conditions 19 and 22, shall commence on site until such time as the design, materials and construction methods to be adopted for the proposed works (hardstanding, drainage, safety and other boundary treatment) in the vicinity of the site boundary with the M2 have been submitted to, and agreed in writing by, the Local Planning Authority. All works shall be compliant with the Design Manual for Roads and Bridges.

Reason: To ensure that the M2 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

14. No development in any phase of development, other than that expressly required in compliance with conditions 19 and 22, shall commence until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the proposals documented in the Flood Risk Assessment, prepared by The Civil Engineering Practice, Sept. 2017, and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

19. No development of any phase of the development (or part thereof) shall take place other than as required as part of the cut and fill re-profiling and site, below ground works and investigation works until the following have been submitted to and approved by the Local Planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the particular phase of development (or part thereof) will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the particular phase of development (or part thereof) cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended). The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of each phase of the development (or part thereof) the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

PART 2 - PRIVATE

AP3 18/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.40 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Monday, 5th February, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority, Mr I Barwick (Applicant), Mr S Thomas (Solicitor to the Applicant), Mr C Beale (Noise Consultant to the Applicant), representatives of Kent Police, Environmental Health Services and Planning Services (Responsible Authorities), Mrs W Williams (on behalf of Offham Parish Council and as a local resident) and Mr T Berman, Mrs C Innes and Mrs V Patrick (local resident/interested party)

PART 1 - PUBLIC

LA 18/1 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 18/2 APPLICATION FOR A NEW PREMISES LICENCE FOR AFRICAN LODGE AND MARQUEE, TOWER HILL, OFFHAM

The Panel gave consideration to an application for a Premises Licence made by Mr Ian Barwick under Section 17 of the Licensing Act 2003 in respect of premises known as African Lodge and Marquee, Kentfield Farm, Tower Hill, Offham. The application related to the Sale of Alcohol, Live Music, Recorded Music and Late Night Refreshment.

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 representations received during the statutory consultation period (as set out at Annexes 6, 7, 8, 9 and 10 to the report). In addition the Panel had regard to the Noise Consultant's report (set out at Annex 11) and the Applicant's response to the written representations (set out at Annex 12 to the report).

The Panel listened carefully to the representations made by Mr S Thomas on behalf of Mr Barwick, Ms E Shaw on behalf of Kent Police, Mr P Thomason of the Environmental Protection Team, Ms E Keefe of Planning Services, Mrs W Williams on behalf of Offham

Parish Council and as a local resident and local residents, Mr T Berman, Mrs C Innes and Mrs V Patrick.

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 steps set out in Section 18(4) as it considers appropriate for the promotion of the licensing objectives. The Panel took into consideration the guidance dated April 2017 provided by the Secretary of State under s.182 of the Licensing Act 2003 as well as the Council's own Statement of Licensing Policy.

The Panel attached particular weight to the representations from local residents regarding noise, the report from Mr C Beale of SPL Track Environmental and the response of Mr P Thomason to that report.

The Panel was satisfied that the licensing objectives could properly be furthered with the imposition of mandatory conditions, conditions consistent with the operating schedule and those conditions agreed by the applicant with the Responsible Authorities (Kent Police and Tonbridge and Malling Borough Council Environmental Protection).

Having had regard to the above the Licensing and Appeals Committee, sitting as Panel, concluded that, in order to promote the Licensing Objectives, particularly the prevention of public nuisance, the application could be approved and, therefore,

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 accompanying the application and the following conditions:-

Section E	**Performance of Live Music (indoors only)** Monday until Sunday from 23:00 hours until 24:00 hours (midnight)
Section F	**Playing of Recorded Music (indoors only)** Monday until Sunday from 23:00 hours until 24:00 hours (midnight)
Section I	**Provision of late night refreshment (indoors only)** Monday until Sunday from 23:00 hours until 24:00 hours (midnight)
Section J	**Supply of alcohol for consumption both on and off the premises** Monday to Sunday from 11:00 hours until 24:00 hours (midnight)

Conditions:

1. There will be no more than 28 functions held at the location in any calendar year.

2. All functions will be pre-booked with number of persons attending and emergency contact details for the person booking recorded.

3. There will be no access to the venue from Tower Hill except in emergency situations.

4. Access routes to the venue will be clearly marked at any time that the venue is operating under this Premises Licence to ensure swift access and egress for all vehicles including private vehicles, taxis and emergency vehicles.

5. Clear instructions on gaining access to the venue will be provided to all persons holding events at the location.

6. Challenge 25 will be in operation and adhered to by all staff. This will be communicated to all persons holding events at the location at the time of booking.

7. Staff training will be provided for the sale of alcohol and safe operation of the venue, training will be recorded and signed by each member of staff.

8. CCTV will be in operation at the location at any time that the premises are being used for licensable activities.

9. Images from any CCTV in operation at the premises will be retained for a minimum of one month from the date of recording.

10. The maximum number of customers will be 200 for any given event.

11. No fireworks will be let off during any pre-booked event where licensable activities occur.

12. Performance loud speaker systems that have any bass component are only to be located in the African Lodge and not in the Marquee.

13. Performance loud speakers and the related performances will be directed to the south across the lake towards the Quarry and not into the Marquee.

14. Whenever entertainment is provided bass baffles will be fitted to the north open aspect of the African Lodge and behind any loudspeaker installation.

15. A noise limiter will be used to ensure that noise levels in the Lodge do not exceed 95dBLAeq(15) as recommended by the Code of Practice.

16. Performances in the Marquee must be restricted to acoustic instruments. Use of amplified equipment is acceptable but must be limited to background music or spoken word only.

17. The type of Performance loud speaker system is to be ascertained and approved by Mr Beale of SPL Track Environmental, on behalf of the applicant, and by a representative of Tonbridge and Malling Borough Council's Environmental Protection Team.

18. All events to be publicised in advance on Kentfield Farm's website. This to include the name and mobile 'phone number to contact in the event of any complaint. This person should be available to contact during the event. This information should also be provided to Offham Parish Council at least fourteen days in advance of an event.

LA 18/3 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 1.58 pm
having commenced at 10.10 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Thursday, 8th February, 2018

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

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

PART 1 - PUBLIC

CB 18/1 DECLARATIONS OF INTEREST

Councillor N Heslop declared an Other Significant Interest in the item on Tonbridge Castle – Review of Fees and Charges in respect of concessionary users of the Council Chamber on the grounds of membership of the Board of the Bridge Trust. He withdrew from the meeting during its consideration and the chair was taken by Councillor Coffin.

CB 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 11 October 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 18/3 RISK MANAGEMENT STRATEGY

The report of the Management Team invited Members to review the Risk Management Strategy which set out the Council's risk management objectives and detailed the roles and responsibilities of officers, Members and partners in the identification, evaluation and cost-effective control of risks. Attention was drawn to the resourcing pressures in respect of 'Emergency Planning' and the addition of a new strategic risk in relation to potentially contaminated land.

It was noted that the Audit Committee at its meeting on 22 January 2018 had endorsed the updated strategy.

The Director of Finance and Transformation referred to the recent collapse of Carillion which, whilst not directly affecting the Borough Council, highlighted the risk associated with the failure of major partners.

The Strategic Risk Register had been updated to reflect this situation and would be reported back to the Audit Committee in due course.

RECOMMENDED: That

(1) the updated Risk Management Strategy be adopted by the Council;

(2) the impact of ongoing resourcing pressures to respond in respect of the identified risk 'Emergency Planning' and the subsequent report to the 29 January meeting of the General Purposes Committee on resourcing requirements be noted; and

(3) the emergence of a new strategic risk in respect of the monitoring of potentially contaminated land, which is being added to the Strategic Risk Register, be noted.
***Referred to Council**

CB 18/4 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2018/19

The report of the Director of Finance and Transformation provided details of investments undertaken and return achieved in the first nine months of the current financial year. The report explored the use of diversified income funds for medium term investment and recommended their inclusion in the 2018/19 Annual Investment Strategy.

It was noted that the Audit Committee had reviewed the matters covered by the report at its meeting on 22 January 2018 and commended the strategy for adoption.

The Cabinet requested that its appreciation be conveyed to the Principal Accountant for his work in treasury management during the year.

RECOMMENDED: That

(1) the treasury management position as at 31 December 2017 and the higher level of income incorporated in the 2017/18 revised estimates be noted;

(2) the Council's exposure to property funds in 2018/19 be increased as additional long term funds become available, for example from selling property;

(3) the limited use of diversified income funds for medium term investment be endorsed; and

(4) the Annual Investment Strategy for 2018/19, as set out at Annex 4 to the report, be adopted.
***Referred to Council**

CB 18/5 SETTING THE BUDGET 2018/19

Further to the reports to the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee earlier in the cycle, the joint report of the Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance, Innovation and Property updated the Cabinet on issues relating to the Medium Term Financial Strategy (MTFS) and gave details of the necessary procedure to be followed in order to set the budget for 2018/19. It also highlighted adjustments made to the Revenue Estimates presented to the Advisory Board and Committee.

The Director of Finance and Transformation explained that the final local government settlement had now been received and did not differ significantly from the provisional settlement so the figures within the report would stand. Reference was made to the Council's previous decision to accept the four year funding settlement to 2019/20 offered by the Government and to the referendum threshold for 2018/19 which had been set at the higher of 3% or £5.

The favourable position regarding New Homes Bonus funding in 2018/19 was explained and reference made to the successful outcome of the Kent and Medway authorities' bid for pilot status in respect of 100% business rates retention. However, illustrative allocations up to 2019/20 were presented and a comparison of the Council's Settlement Funding Assessment for the period 2018/19 to 2019/20 with those of the other Kent district councils demonstrated that Tonbridge and Malling continued to receive the lowest or one of the lowest Assessments both in total and per head.

The report also suggested a mechanism for responding to the technical consultation on the Fair Funding Review and referred to a forthcoming consultation on "Negative RSG" announced by the Secretary of State.

Attention was drawn to recommendations from Advisory Boards and the decision of the Licensing and Appeals Committee regarding the levels of fees and charges to be implemented from 1 April 2018 which had been incorporated in the draft estimates. Members were reminded of the approach to preparation of the Capital Plan, an updated summary of which was set out at Annex 7 to the report.

The report then described the remaining procedure to be followed in setting the budget for 2018/19 and calculating the council tax. For the purposes of updating the MTFS a council tax increase of around 3% in 2018/19 had been assumed, followed by an increase of £5 each year up to 2026/27 and 3% in 2027/28. The Cabinet deliberated on the most appropriate guidance to offer the Council as to the way forward for updating the MTFS for the next ten year period and setting the council tax for 2018/19. Members were advised of details of special expenses

for 2018/19.

An updated copy of the Savings and Transformation Strategy was presented, including revised outline targets and timescales to be revisited and aligned with the latest projected "funding gap". Finally, the Director of Finance and Transformation explained the basis on which the statement as to the Robustness of the Estimates and Adequacy of the Reserves had been made, including an understanding that the savings target based on latest projections of £1.0m would be delivered. A revised calculation of the council tax requirement for 2018/19 (Annex 18) was circulated in advance of the meeting.

RECOMMENDED: That

(1) the fees and charges set out in Annex 2 to the report, as recommended by the appropriate Advisory Boards, be endorsed (see Decision Nos D18007CAB to D180013CAB);

(2) the Capital Plan be updated as set out in paragraph 1.6.14 to the report as follows and adopted accordingly:

(i) the position of the existing Capital Plan (List A) as summarised in Annex 3 to the report be approved and the contribution to the savings target as a result of the reassessment of Disabled Facilities Grant funding be noted;

(ii) the schemes as detailed in Annex 4 to the report be added to List C or deleted from List C;

(iii) the selection of the scheme at Annex 5 to the report for fast-track evaluation over the coming year be approved;

(iv) the transfer of the schemes detailed in Annex 6 to the report to List A be approved;

(v) the updated Capital Plan (List A) as summarised in Annex 7 to the report be approved;

(3) the Capital Strategy as presented to the Finance, Innovation and Property Advisory Board on 3 January and the Overview and Scrutiny Committee on 23 January 2018 be endorsed and adopted by the Council;

(4) the prudential indicators listed in paragraphs 1.7.5 and 1.7.9 of the report be endorsed and adopted;

(5) for the financial year 2018/19 the Council's Minimum Revenue Provision, as set out at paragraph 1.7.12 of the report, be noted as nil;

(6) the high level objectives of the Medium Term Financial Strategy be reaffirmed as set out in paragraph 1.9.4 of the report;

(7) the updated Medium Term Financial Strategy, as set out at Annex 11a to the report, including the proposed scale and timing of each of the savings tranches indicated in paragraph 1.9.10 of the report, be noted and endorsed;

(8) the Council be recommended to approve a council tax increase of 2.99% or £5.91 per annum as the best way forward in updating the Medium Term Financial Strategy for the next ten-year period and setting the council tax for 2018/19;

(9) the updates made to the Savings and Transformation Strategy, as set out at Annex 11c to the report, be endorsed and adopted by the Council as part of the Budget setting process;

(10) the special expenses calculated in accordance with the Special Expenses Scheme set out in Annex 14b to the report be endorsed;

(11) the Statement provided by the Director of Finance and Transformation as to the Robustness of the Estimates and the Adequacy of the Reserves be noted and endorsed; and

(12) delegated authority be given to the Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to respond to the technical consultation entitled “Fair funding review: a review of relative needs and resources”.
***Referred to Council**

CB 18/6 SETTING THE COUNCIL TAX 2018/19

The joint report of the Chief Executive, Director of Finance and Transformation, Leader of the Council and Cabinet Member for Finance, Innovation and Property set out the requirements under the Local Government Finance Act 1992 for a billing authority to set an amount of council tax for each category of dwelling in its area. Members were advised of the position concerning the determination of their respective precepts for 2018/19 by the major precepting authorities.

Consideration was given to a draft resolution identifying the processes to be undertaken in arriving at the levels of council tax applicable to each part of the Borough to which any charges under the special expenses scheme would be added. The resolution and further information regarding the precepts of the other authorities would be reported to the full Council on 20 February 2018.

RECOMMENDED: That the resolution be noted and the Council be recommended to approve a 2.99% or £5.91 per annum increase in the Borough Council's element of the council tax for 2018/19, representing a notional "average" charge at Band D of £203.42.
***Referred to Council**

CB 18/7 LOCAL COUNCIL TAX REDUCTION SCHEME 2018/19

Consideration was given to the report of the Director of Finance and Transformation regarding the draft Local Council Tax Reduction Scheme for 2018/19. It was noted that several changes had been made to the 2017/18 Scheme following public consultation and the draft Scheme for 2018/19 showed little change from the previous year.

RECOMMENDED: That the draft Scheme for 2018/19 be approved and adopted from 1 April 2018 as the Tonbridge and Malling Borough Council Local Council Tax Reduction Scheme 2018/19.
***Referred to Council**

CB 18/8 REVENUE ESTIMATES 2018/19

Item FIP 18/3 referred from Finance, Innovation and Property Advisory Board minutes of 3 January 2018

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 3 January 2018 in relation to the formulation of initial draft proposals in respect of the Budget. All budgetary matters were considered in detail in the substantive item on Setting the Budget 2018/19.

CB 18/9 CAPITAL PLAN REVIEW 2017/18

Item FIP 18/4 referred from Finance, Innovation and Property Advisory Board minutes of 3 January 2018

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 3 January 2018 in relation to the initial stage of the Capital Plan review process. All budgetary matters were considered in detail in the substantive item on Setting the Budget 2018/19.

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

CB 18/10 WASTE SERVICES CONTRACT RETENDER

Decision Notice D180007CAB

CB 18/11 REVIEW OF CAR PARKING FEES AND CHARGES

Decision Notice D180008CAB

CB 18/12 REVIEW OF FEES AND CHARGES

Decision Notice D180009CAB

CB 18/13 REVIEW OF CEMETERY CHARGES 2018/19

Decision Notice D180010CAB

CB 18/14 PRE-APPLICATION PLANNING ADVICE CHARGING REGIME AND BUILDING CONTROL APPLICATION FEES

Decision Notice D180011CAB

CB 18/15 REVIEW OF FEES AND CHARGES 2018/2019

Decision Notice D180012CAB

CB 18/16 TONBRIDGE CASTLE - REVIEW OF FEES AND CHARGES

Decision Notice D180013CAB

CB 18/17 SELECT COMMITTEE REVIEW OF EFFECTIVENESS OF LOCAL AUTHORITY OVERVIEW AND SCRUTINY COMMITTEES

Decision Notice D180014CAB

CB 18/18 PARISH CHARTER

Decision Notice D180015CAB

MATTERS SUBMITTED FOR INFORMATION

CB 18/19 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 6 November 2017
Communities and Housing Advisory Board of 13 November 2017
Planning and Transportation Advisory Board of 5 December 2017
Finance, Innovation and Property Advisory Board of 3 January 2018

RESOLVED: That the report be received and noted.

CB 18/20 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 19 November 2017
Joint Transportation Board of 27 November 2017
Tonbridge Forum of 4 December 2017

RESOLVED: That the report be received and noted.

CB 18/21 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.33 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

Decision No: D170071MEM

Date: 06 November 2017

Decision(s) and Reason(s)

Air Quality Update

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

The report summarised the content of the Government's UK plan for tackling roadside nitrogen dioxide concentrations published on 26 July 2017 and made particular reference to the intention to produce a new Clean Air Strategy in 2018 which would address, amongst others, other nitrogen oxides, particulate matter and sulphur dioxide emissions.

Additionally, the report provided an overview of Tonbridge and Malling Borough Council's 2017 Annual Status report in respect of the Borough's 7 Air Quality Management Areas (AQMAs) recently submitted to DEFRA which demonstrated some improvements in nitrogen dioxide levels and assessed the need to vary the boundaries of the Larkfield and Borough Green AQMAs and identified other factors to be taken into account in preparation of the Council's Air Quality Action Plan.

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

The retention of all current AQMAs be endorsed and a review of the boundaries of the Larkfield and Borough Green AQMAs 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 6 November 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	10 November 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: D170072MEM

Date: 13 November 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 a number of significant capital schemes.

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

The Trust's performance over the first quarter of the Annual Service Delivery Plan and progress with on site capital works be noted.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 13 November 2017.

Signed Cabinet Member for Community Services	M Heslop
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	17 November 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: D170073MEM

Date: 13 November 2017

Decision(s) and Reason(s)

Leybourne Lakes Country Park - Development Opportunities

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

The report outlined the findings of a review of income generation opportunities at Leybourne Lakes Country Park (LLCP) linked to capital investment. The review, undertaken by a specialist consultant, had concluded that the site was strategically and commercially appealing to a range of external partners and recommended that the Council undertake a procurement exercise with a view to developing a potential management partnership in the future.

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

(1) the option of external management of Leybourne Lakes Country Park (LLCP) linked to capital investment be explored in accordance with the key principles outlined in the report;

(2) a report on a procurement exercise and timescale, taking into account feedback from consultation, be submitted to the next meeting of the Advisory Board; and

(3) Oaks Consultancy be approved to assist the Council in preparing for and undertaking a procurement exercise.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 13 November 2017.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 17 November 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: D170074MEM

Date: 13 November 2017

Decision(s) and Reason(s)

Leybourne Lakes Country Park - Management Plan

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

The report brought forward details of comments received as part of the public consultation exercise on the draft Leybourne Lakes Country Park Management Plan. A summary of the comments received and proposed amendments to the Management Plan were set out at Annex 3 to the report.

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

The proposed amendments to the draft Management Plan be made and the Management Plan for Leybourne Lakes Country Park be approved.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 13 November 2017

Signed Cabinet Member for Community Services	M Heslop
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	17 November 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:** D170075MEM

Date: 13 November 2017

Decision(s) and Reason(s)

West Kent Housing and Homelessness Strategy

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

The report provided details of the West Kent Housing and Homelessness Strategy 2016-2021, developed in partnership with Tunbridge Wells Borough Council and Sevenoaks District Council, which set out how the three Authorities would work to meet their statutory duties and responsibilities over the next five years.

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

The West Kent Housing and Homelessness Strategy 2016-21 as 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 13 November 2017.

Signed Cabinet Member for Housing	P Montague
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	17 November 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: D170076MEM

Date: 27 November 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 comments received in response to the informal consultation undertaken between 21 October and 12 November 2017 in respect of parking restriction proposals for twenty locations contained in Phase 9 of the Parking Action Plan. In addition, section 1.2.7 of the report set out details of seven locations within Phase 9 which would proceed directly to formal consultation.

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

(1) the locations detailed in section 1.2.7 of the report be taken forward to formal consultation;

(2) the schemes listed at Annex 1 to the report proceed to formal consultation subject to

i. the reduction of the proposals for scheme number 3 (Fairfield Road, Borough Green) by the removal of the double yellow lines in front of 163 Fairfield Road;

ii. the abandonment of schemes numbered 4 (Quarry Hill Road, Borough Green; 7 (The Rocks Road, East Malling); and 10 (Coombe Close, Snodland);

iii. the investigation of the application of appropriate times of restrictions at scheme number 9 (New Hythe Lane/Laburnum Drive, Larkfield);

iv. the amendment of scheme number 20 (School Lane, Burham) to delete the proposed double yellow line to the rear of 218-228 High Street but not to reduce the double yellow lines on the southern side of School Lane;

v. the amendment of scheme number 24 (High Street/Walter Burke Avenue, Wouldham) to reduce the length of the double yellow lines to keep the footpath end clear;

vi. the amendment of scheme number 25 (School Lane/Wouldham Road, Wouldham) to delete the Disabled Parking Bay as this was no longer required; and

vii. the amendment of scheme number 26 (Knowle Road/Cornwall Crescent, Wouldham) to extend the double yellow lines as proposed by Wouldham Parish Council.

Reasons: As set out in the report submitted to the Joint Transportation Board of 27 November 2017

Signed Cabinet Member for Strategic Planning and Infrastructure	H Rogers
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	1 December 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: D170077MEM

Date: 05 December 2017

Decision(s) and Reason(s)

Planning for the Right Homes in the Right Places - Consultation Response

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

The report sought endorsement of a response to a Department for Communities and Local Government (DCLG) consultation which had been submitted by the 9 November deadline. Details were given of the 19 questions on which views had been invited together with the full response to each.

The proposals raised a number of concerns, particularly in relation to the approach to calculating housing needs and questions were raised regarding the sustainability of the targets, delivery of affordability and consistency of approach across the country. It was noted that the consultation introduced delay and uncertainty to the Local Plan process. In view of the importance and high profile of this subject, the response to the consultation had been sent to all Members and a presentation made to the recent meeting of the Parish Partnership Panel. It was requested that an attempt be made to quantify the additional work involved in re-examining the evidence base as a result of the proposals for transmission to the DCLG.

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

The comments set out at Annex 1 to the report be endorsed as the Council's formal response to the consultation together with a quantification of the additional work involved.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 5 December 2017.

Signed Cabinet Member for Strategic Planning and Infrastructure	H Rogers
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	8 December 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: D170078MEM

Date: 05 December 2017

Decision(s) and Reason(s)

Local Plan: Duty to Co-operate

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

The report sought endorsement of a response to a recent Sevenoaks District Council Local Plan consultation required by Regulation 18 of the Town and Country Planning Regulations. Reference was made to the different approaches to addressing unmet housing need in terms of releases of Green Belt land, together with implications of the Government's proposals on standardised methodology. An update was also given on other matters relating to the Duty to Co-operate including the introduction of Statements of Common Ground.

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

The contents of the report be noted and the response set out at Annex 1 thereto be endorsed.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 5 December 2017.

Signed Cabinet Member for Strategic Planning and Infrastructure	H Rogers
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	8 December 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: D180001MEM

Date: 03 January 2018

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 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:

The new applications for discretionary rate relief be determined as follows:

(1) 1st Ditton Scout Group, R/O 18 New Road, Ditton – 20% discretionary rate relief be awarded, back dated to 1 April 2017 and time limited to 31 March 2019;

(2) Carers First, 146A High Street, Tonbridge – 20% discretionary rate relief be awarded, backdated to 13 May 2017 and time limited to 31 March 2019; and

(3) St Benedict's Centre, 52 Swan Street, West Malling – no discretionary rate relief be granted.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	5 January 2018

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: D180002MEM

Date: 03 January 2018

Decision(s) and Reason(s)

Rural Rate Relief - Rural Settlement List

(Report of Director of Finance and Transformation)

The report referred to the requirement to review the Council's rural settlement list and recommended that the current list be amended to include a new rural settlement for the financial year 2018/19.

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

The rural settlement list be amended to include a new settlement for Peter's Village, as shown on the map at Annex 1 to the report, and the amended list remain in force for the year 2018/19.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018.

Signed Cabinet Member for Finance, Innovation and Property	M Coffin
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	5 January 2018

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: D180003MEM

Date: 03 January 2018

Decision(s) and Reason(s)

Revenue and Benefits Shared Service

(Report of Director of Finance and Transformation)

The report advised that Gravesham Borough Council had decided not to proceed with the Revenue and Benefits Shared Service. However, it was noted that the IT digital and transformation plan for the service would continue to be progressed as set out in the Capital Plan (Minute C 17/56 refers).

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

It be noted that:

(1) at Gravesham Borough Council's behest the Shared Service for Revenue and Benefits will not be progressed;

(2) existing secondment agreements for the Revenue and Benefits Manager and Principal Revenues Officer will continue as is the current practice;

(3) the planned IT and digital transformation initiatives in respect of this service will continue to be progressed; and

(4) the Capital Plan has been updated accordingly.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018.

Signed Cabinet Member for Finance, Innovation and Property	M Coffin
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	5 January 2018

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: D180004MEM

Date: 03 January 2018

Decision(s) and Reason(s)

Procurement Strategy

(Report of Director of Finance and Transformation)

The report presented an updated Procurement Strategy for consideration and endorsement. The Strategy provided a framework to ensure the application of good procurement practice throughout the organisation and delivery of cost effective and efficient services.

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

The updated Procurement Strategy set out at Annex 1 to the report be endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018.

Signed Cabinet Member for Finance, Innovation and Property	M Coffin
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	5 January 2018

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: D180005MEM

Date: 03 January 2018

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 20 items shown in the schedule of amounts over £1,000, totalling £66,119.15 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 3 January 2018 (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:	5 January 2018

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: D180006MEM

Date: 03 January 2018

Decision(s) and Reason(s)

Banking and Merchant Acquirer Services Contracts

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

(Report of Director of Finance and Transformation)

The report gave details of the approach taken in progressing new Banking and Merchant Acquirer Services contracts.

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

The progress made in renegotiating both the banking and merchant services contracts be noted and authority be delegated to the Director of Finance and Transformation, in liaison with the Cabinet Member for Finance, Innovation and Property, to finalise the negotiations.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018 (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:	5 January 2018

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: D180007CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Waste Services Contract Retender

(Item SSE 17/15 referred from Street Scene and Environment Services Advisory Board minutes of 6 November 2017)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 6 November 2017.

The Cabinet resolved that:

The recommendations of the Street Scene and Environment Services Advisory Board be approved as follows:

(1) the core principles for the Inter Authority Agreement between this Council and Kent County Council, as outlined in the report, be agreed;

(2) a final draft Inter Authority Agreement be reported to a future meeting of the Advisory Board for consideration;

(3) the financial arrangements relating to the new contract, as outlined in the report, and associated financial implications be noted; and

(4) the approach to the evaluation of the contract tenders, as outlined in the report, be agreed and incorporated within the tender documentation.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 6 November 2017.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180008CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Review of Car Parking Fees and Charges

(Item SSE 17/16 referred from Street Scene and Environment Services Advisory Board minutes of 6 November 2017)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 6 November 2017. Reference was made to a report to the Advisory Board's forthcoming meeting on 13 February on the outcome of public consultation on the proposals.

The Cabinet resolved that:

The recommendations of the Street Scene and Environment Services Advisory Board be approved as amended as follows:

The following proposals be approved in principle with effect from 1 April 2018, subject to consideration of the outcome of public consultation by the Street Scene and Environment Services Advisory Board and final approval by Cabinet at its next meeting on 20 March 2018:

(1) the schedule of charges for short and long stay parking in Tonbridge, shown in Table 1 to the report, be introduced;

(2) week day short day parking charges to the car parking bays in the Tonbridge Castle grounds, including the purchase of a new car parking ticket machine, be introduced;

(3) the schedules of Peak and Off-Peak Season ticket charges in Tonbridge, shown in Tables 2 and 3 to the report, be adopted;

(4) the Ryarsh Lane, West Malling Annual Season ticket charges be increased to £175;

(5) the schedule of charges for short stay parking in West Malling, shown in Table 5 to the report, be introduced with the new 4 hour tariff amended to £3.20;

(6) the schedule of charges for Blue Bell Hill car park, shown in Table 6 to the report, be introduced;

(7) the schedule of charges for Borough Green Western Road car park, shown in Table 7 to the report, be introduced;

(8) Residents Permits (Residential Preferential Parking Scheme) be retained at £40 per year;

(9) the schedule of charges for Business Permits and Dispensations, shown in Table 8 to the report, be introduced;

(10) Visitor Permits be retained at £12 for a book of 10 permits, the current offer of 10 free Visitor Permits be limited to new applicants for a Residents Permit and the offer of 10 free Visitor Permits on renewal of a Residents Permit be discontinued;

(11) the schedule of charges for Haysden and Leybourne Lakes country parks, shown in Table 9 to the report, be introduced;

(12) the schedule of charges for On-Street Pay and Display parking in Tonbridge, shown in Table 10 to the report, be introduced; and

(13) the potential introduction of On-Street Permit and Pay and Display parking in designated areas of North Tonbridge be investigated.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 6 November 2017.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180009CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Review of Fees and Charges

(Item SSE 17/17 referred from Street Scene and Environment Services Advisory Board minutes of 6 November 2017)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 6 November 2017.

The Cabinet resolved that:

The recommendations of the Street Scene and Environment Services Advisory Board be approved as follows:

The scale of charges for household bulky refuse and fridge/freezer collection, “missed” refuse collection, stray dog redemption fees, pest control, condemned food certificates, exported food certificates, contaminated land monitoring and sampling private water supplies be approved with effect from April 2018, as detailed in the report to the Advisory Board.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 6 November 2017.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180010CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Review of Cemetery Charges 2018/19

(Item CH 17/31 referred from Communities and Housing Advisory Board minutes of 13 November 2017)

Consideration of recommendations to the Cabinet from the Communities and Housing Advisory Board of 13 November 2017.

The Cabinet resolved that:

The recommendations of the Communities and Housing Advisory Board be approved as follows:

The proposed charges for Tonbridge Cemetery, as detailed at Annex 2 to the report, be agreed and implemented with effect from 1 April 2018.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 13 November 2017.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180011CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Pre-Application Planning Advice Charging Regime and Building Control Application Fees

(Item PE 17/17 referred from Planning and Transportation Advisory Board minutes of 5 December 2017)

Consideration of recommendations to the Cabinet from the Planning and Transportation Advisory Board of 5 December 2017

The Cabinet resolved that:

The recommendations of the Planning and Transportation Advisory Board be approved as follows:

(1) the updated pre-application charging regime for planning, set out at Annex 1 to the report, be approved; and

(2) the Director of Planning, Housing and Environmental Health be given delegated authority to set the detailed building control application fee scales within a general guide of a 3% increase.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 5 December 2017.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180012CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Review of Fees and Charges 2018/2019

(Item FIP 18/5 referred from Finance, Innovation and Property Advisory Board minutes of 3 January 2018)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 3 January 2018

The Cabinet resolved that:

The recommendations of the Finance, Innovation and Property Advisory Board be approved as follows:

(1) in respect of the recovery of legal fees payable by third parties, the Council's fees continue to follow the Supreme Court guideline hourly rates as set out at paragraph 1.2.1 of the report;

(2) the proposed scale of fees for local land charges searches and enquiries set out at Annex 1 to the report be adopted with effect from 1 January 2018;

(3) the current photocopying charges of 10p (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate be retained;

(4) the fee schedule for street naming and numbering set out in section 1.6 of the report be adopted with effect from 1 April 2018; and

(5) the amount of council tax and business rate Court costs recharged remain as set out at paragraph 1.7.2 of the report for the 2018/19 financial year.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180013CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Tonbridge Castle - Review of Fees and Charges

(Item FIP 18/6 referred from Finance, Innovation and Property Advisory Board minutes of 3 January 2018)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 3 January 2018

The Cabinet resolved that:

The recommendations of the Finance, Innovation and Property Advisory Board be approved as follows:

(1) the new pricing model for the Castle Tour at Tonbridge Castle be approved as set out at paragraph 1.4.10 of the report;

(2) the new pricing model for Schoolchildren Educational Workshops at Tonbridge Castle be approved as set out at paragraph 1.5 of the report;

(3) the new pricing model for Weddings at Tonbridge Castle be approved as set out at paragraph 1.6.2 of the report;

(4) authority be delegated to the Director of Central Services and Monitoring Officer for a 12 month trial period to depart from the fixed fee structure at paragraph 1.6.2 of the report where he considers that it is in the financial interests of the Council to do so in a particular case;

(5) the new pricing model for entries into the Wedding Diary at Tonbridge Castle be approved as set out at paragraph 1.6.6 of the report;

(6) the list of concessionary users of the Tonbridge Castle Council Chamber set out at Annex 2 to the report and the rate of discount, if any, to be given to any booking by an approved concessionary user be reviewed by the Overview and Scrutiny Committee;

(7) the new model for hiring out the Council Chamber at Tonbridge Castle be approved as set out at paragraph 1.8.3 of the report;

(8) the Director of Central Services and Monitoring Officer be authorised to agree Gate House fee charges for special events; and

(9) authority be delegated to the Director of Central Services and Monitoring Officer to negotiate and agree fees with parties wishing to use Tonbridge

Castle for filming purposes.

[Councillor N Heslop declared an Other Significant Interest in item (6) in respect of concessionary users of the Council Chamber on the grounds of membership of the Board of the Bridge Trust. He withdrew from the meeting during its consideration and the chair was taken by Councillor Coffin.]

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180014CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Select Committee Review of Effectiveness of Local Authority Overview and Scrutiny Committees

(Item OS 18/6 referred from Overview and Scrutiny Committee minutes of 23 January 2018)

Consideration of recommendations to the Cabinet from the Overview and Scrutiny Committee of 23 January 2018

The Cabinet resolved that:

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

(1) the recommendations of the Select Committee regarding the effectiveness of Overview and Scrutiny Committees be noted; and

(2) further consideration be given to

(i) the introduction of a process whereby recommendations of the Overview and Scrutiny Committee which are not accepted by Cabinet can then be referred to full Council;

(ii) where appropriate to the review being undertaken, opportunities to engage service users and the public be explored to assist with that review.

Reasons: As set out in the report submitted to the Overview and Scrutiny Committee of 23 January 2018.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180015CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Parish Charter

(Report of Chief Executive)

The report advised that following discussions with the Kent Association of Local Councils (KALC) and further consideration via the Parish Partnership Panel, a revised Parish Charter had been drawn up and informally agreed between the parties. KALC had recently resolved to adopt the Charter and its adoption by the Borough Council was now recommended.

The Cabinet resolved that:

The revised Parish Charter set out at Annex 1 to the report be adopted.

Reasons: As set out in the report of the Chief Executive.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 16th February, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and Cllr Mrs P A Bates

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/4 DECLARATIONS OF INTEREST

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

LA 18/5 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 18/6 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 01/2018

(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 DBS Certificate, submitted with the application, had disclosed that the Applicant had received a conviction dated 17 February 2010 for Common Assault.

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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(3) that Section 5.7.5 of the Policy regarding the relevance of previous convictions required that the Council had regard to the following: whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty;

(4) that Section 12.3.1 of the Policy stated that, in respect of violent offences, a period of 4 to 10 years conviction free was required before an application was considered favourably; and

(5) that Section 12.12.1 required that Cautions and Endorsable Fixed Penalties should be treated as though they were convictions and must be disclosed.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the conviction. The Panel also took into account all previous convictions, regardless of the age of those convictions, when assessing whether the Applicant could be considered as a 'Fit and Proper' person to hold a licence. However, the Panel remained concerned that, given the nature of other offences which appeared on the DBS certificate, public safety might be compromised by granting a licence at this time. For this reason the Panel was not satisfied that the Applicant was a 'Fit and Proper' person to hold a licence and, therefore,

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

The meeting ended at 10.25 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 16th February, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and Cllr Mrs P A Bates

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/7 DECLARATIONS OF INTEREST

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

LA 18/8 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 18/9 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 02/2018

(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 DBS Certificate, submitted with the application, had disclosed that the Applicant had received 2 convictions dated 30 September 2013 for Resist or Obstruct Constable and Use disorderly behaviour or threatening/abusive/insulting words likely to cause harassment alarm or distress.

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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(3) that Section 5.7.5 of the Policy regarding the relevance of previous convictions required that the Council had regard to the following: whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty; and

(4) that Section 12.3.2 of the Policy stated that, in respect of violent offences, an application would normally be refused if made less than 4 years after the date of conviction. If the application was made between 4 and 8 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

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the conviction. The Panel also took into account the Council's policy requirement that after four years from the date of conviction greater weight could be given to the evidence of good character provided by the Applicant and his current supervisor. The Panel noted that the Applicant appeared to have learned from his mistakes and had matured. For these reasons the Panel was satisfied that the Applicant was a 'Fit and Proper' person to hold a licence and, therefore,

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

The meeting ended at 11.30 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 16th February, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and Cllr Mrs P A Bates

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/10 DECLARATIONS OF INTEREST

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

LA 18/11 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 18/12 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 03/2018

(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 had produced a Disclosure and Barring Service (DBS) Certificate which had shown a Conviction dated 22 January 2018 for Harassment – put in fear of violence. The Applicant had failed to declare this on the questionnaire completed with the application.

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

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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(3) that Section 12.3.1 of the Policy stated that, in respect of violent offences, a period of 4 to 10 years conviction free was required before an application was considered favourably; and

(4) that Section 12.3.2 of the Policy stated that if an application was made between 4 and 8 years after the date of 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.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the conviction. The Panel also took into account the Council's policy requirement that after four years from the date of conviction greater weight could be given to the evidence of good character provided by the Applicant and his father, who had accompanied him at the Hearing. The Panel noted that the Applicant appeared to have learned from his mistake and had been able to demonstrate a degree of responsibility as he already worked as a transport assistant escorting children to school each day. For these reasons the Panel was satisfied that the Applicant was a 'Fit and Proper' person to hold a licence and, therefore,

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

The meeting ended at 12.39 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 16th February, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and Cllr Mrs P A Bates

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/13 DECLARATIONS OF INTEREST

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

LA 18/14 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 18/15 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 04/2018

(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) and from the Driver and Vehicle Licensing Agency (DVLA).

The Panel was advised that the Applicant had failed to declare a conviction dated 10 March 2011 for Battery and a conviction dated 24 April 2012 – Failure to comply with the requirements of a community order.

The Panel was advised that the Applicant had submitted a DVLA data release mandate form to allow the Licensing Team to undertake an online check of his driving licence which had disclosed Offence dated

29 December 2016 for MS90 Failure to give information as to identity of driver etc. Causing or permitting offences. Using a vehicle uninsured against third party risks for which he had received 6 Penalty Points.

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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(3) that Section 5.7.5 of the Policy regarding the relevance of previous convictions required that the Council had regard to the following: whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty;

(4) that Section 12.3.1 of the Policy stated that, in respect of violent offences, a period of 4 to 10 years conviction free was required before an application was considered favourably;

(5) that Section 12.3.2 of the Policy stated that if an application was made between 4 and 8 years after the date of 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; and

(6) that Section 12.7.2 of the Policy stated that an application would normally be refused where the Applicant has 6 or more penalty points on his DVLA licence.

The Panel listened carefully to the explanation of the circumstances surrounding the convictions on the DBS certificate and the penalty points issued by the DVLA. The Panel was dissatisfied with the explanation given by the Applicant regarding the DVLA points and was satisfied that the circumstances were of his own making. The Panel was concerned that the Applicant had failed to submit any evidence to indicate good character. In light of this the Panel felt that the full eight year period, as set out in the Policy, should elapse before an application could be considered. For these reasons the Panel was not satisfied that the Applicant was a 'Fit and Proper' person to hold a licence and, therefore,

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

The meeting ended at 1.38 pm
having commenced at 1.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 20th February, 2018

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 20th February, 2018

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 M A C Balfour, 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 Mrs T Dean, 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 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 M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr A K Sullivan, Cllr M Taylor, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors Mrs S M Barker, M O Davis, B T M Elks, D Keers, Ms S V Spence and Miss G E Thomas

PART 1 - PUBLIC

C 18/1 DECLARATIONS OF INTEREST

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

C 18/2 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 31 October 2017 be approved as a correct record and signed by the Mayor.

C 18/3 MAYOR'S ANNOUNCEMENTS

The Mayor was presented with a copy of the Bible by Mr Michael Lee of Gideons International.

The Mayor reported that since May, he and the Deputy Mayor had attended 174 engagements including charity dinners, Christmas events and services, school services and award presentations. He mentioned a

range of events and highlighted recent visits to a High Hilden resident's 100th Birthday Celebration, the success of the local schools debates held in November 2017 and February 2018, the Remembrance Sunday Services and the Mayor's Quiz held on 4 November 2017. He advised that his Mayor's Gala Event would be held at Kings Hill Golf Club on 28 April 2018.

C 18/4 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 18/5 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 18/6 LEADER'S ANNOUNCEMENTS

The Leader advised that Councillor Martin Coffin would shortly present the Cabinet's recommendations on the budget to Council and, while not wishing to pre-empt consideration of the budget proposals, he drew attention to the Council's potential business rates income with particular reference to business rates retention. He reminded Members that, last November, the Government had invited bids for the piloting of 100% business growth retention in the financial year 2018/19, particularly encouraging two tier authorities to work together. He was delighted to advise that the bid put forward by the Kent Council Leaders and Medway Council, in totality a financial bid of circa £25 million, was one of ten to be approved. He advised that the bid had the potential, linked to growth, of achieving £560K as a windfall sum for the Borough Council to assist with financial stability. Additionally, he reported that the Kent and Medway bid had a second allocation of funding for each of the three cluster areas and he advised that for the West Kent cluster (Tunbridge Wells, Sevenoaks and Tonbridge and Malling) there was a potential further £1.055 million to support future housing and commercial growth in the region. He indicated that he would be meeting the Leaders of Kent County Council, and the neighbouring west Kent districts to discuss how best to invest that second pot of funding.

The Leader said that Members would be aware that this Authority was one of the first fifteen councils to no longer receive revenue support grant and that, as part of the move towards full business rate retention (part of a four year settlement), the Treasury was clawing back £1 million from the current business rate income. The Government had announced its intention to consult on these funding arrangements and the Leader assured Members that a robust response would be made to this consultation. The Leader reminded Members that the closure of

Aylesford Newsprint (formerly the Council's largest business ratepayer) had taken the Council below the baseline for business rate retention purposes and, consequently, the Council's share of the safety net under the risk/reward model, had been paid from its own resources. On a positive note, the Leader stated that the Director of Finance and Transformation had advised that current projections suggested that the Council was closer to the baseline set and could find itself above baseline at the year-end 2017/18.

The Leader stated that supporting and working closely with business leaders was a key priority and advised that, since the last meeting of Council, he had arranged two business engagement meetings for small businesses from across the Borough. He thanked Councillor Vivian Branson for her support at both meetings and Jeremy Whittaker, the Economic Regeneration Officer. The last meeting provided an opportunity to explain the ever-increasing complexities of the Business Rate system.

The Leader stated that another key priority was maintaining the cleanliness of the Borough. He advised that the Borough Council was responsible for sweeping over 1,750 roads totalling a length of more than 800 kilometres. He reminded Members of the Council's zero tolerance approach and advised that in the year 2017/18 over 160 Fixed Penalty Notices had been issued for litter and fly tipping offences.

The Leader also reported that the Council had a strong record on promotion, education and partnership. He advised that the first weekend in March would see the launch of the Great British Spring Clean. He was pleased to announce that with 35 community clean up events planned for this year, Tonbridge and Malling had more events than any other district in Kent. He expressed his gratitude to the community groups and parishes who took pride in their Borough.

Finally, the Leader referred to the reports in the Daily Mail newspaper about cyber security and took the opportunity to 'set the record straight'. He stated that the Borough Council took the threat of cyber security extremely seriously and advised that its officers monitored and recorded accurately all attempts to attack its IT systems. The data showed that there had been 62 attempted attacks, 60 of which were unsuccessful, with two successful. Neither of these two successful attacks had caused a shut down of systems or any data loss. The other 60 incidents were attempts which were detected and successfully defended against. The Leader stated that the Council had a significant number of defences and monitoring systems in place which detected such threats. He invited Members to join him in thanking the IT team for the professional approach adopted.

C 18/7 IMPLICATIONS FOR TONBRIDGE AND MALLING BOROUGH COUNCIL OF THE TRADE UNION ACT 2016

Item GP 17/20 referred from General Purposes Committee minutes of 20 November 2017

RESOLVED: That the recommendations at Minute GP 17/20 be approved.

C 18/8 LOCALISM ACT - PAY POLICY

Item GP 18/3 referred from General Purposes Committee minutes of 29 January 2018

RESOLVED: That the recommendations at Minute GP 18/3 be approved.

C 18/9 RISK MANAGEMENT STRATEGY

Item CB 18/3 referred from Cabinet minutes of 8 February 2018

RESOLVED: That the recommendations at Minute CB 18/3 be approved.

C 18/10 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2018/19

Item CB 18/4 referred from Cabinet minutes of 8 February 2018

RESOLVED: That the recommendations at Minute CB 18/4 be approved.

C 18/11 SETTING THE BUDGET 2018/19

Item CB 18/5 referred from Cabinet minutes of 8 February 2018

It was proposed by Councillor Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 18/5 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 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 M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, 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 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 M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr A K Sullivan, Cllr M Taylor, Cllr F G Tombolis, and Cllr T C Walker

Total 45

Members voting against the motion:

Cllr T I B Cannon and Cllr B W Walker

Total 2

Members abstaining:

None

RESOLVED: That the recommendations at Minute CB 18/5 be approved.

C 18/12 SETTING THE COUNCIL TAX 2018/19

Item CB 18/6 referred from Cabinet minutes of 8 February 2018

It was proposed by Councillor Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 18/5 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 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 M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, 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 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 M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr A K Sullivan, Cllr M Taylor, Cllr F G Tombolis, and Cllr T C Walker

Total 45

Members voting against the motion:

Cllr T I B Cannon and Cllr B W Walker

Total 2

Members abstaining:

None

RESOLVED: That the recommendations at Minute CB 18/6 be approved and the Council Tax Resolution 2018/19, as set out as an Annex to these Minutes, be adopted.

C 18/13 LOCAL COUNCIL TAX REDUCTION SCHEME 2018/19

Item CB 18/7 referred from Cabinet minutes of 8 February 2018

RESOLVED: That the recommendations at Minute CB 18/7 be approved.

C 18/14 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 8.23 pm

COUNCIL TAX

DRAFT RESOLUTION

1. It be noted that on 20th February 2018 the Council calculated:

(a) the Council Tax Base 2018/19 for the whole Council area as 49,924.51 [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	13,531.87
Addington	404.26
Aylesford	4,272.98
Birling	202.38
Borough Green	1,649.69
Burham	454.19
Ditton	1,787.48
East Malling & Larkfield	4,957.54
East Peckham	1,295.73
Hadlow	1,516.67
Hildenborough	2,187.02
Ightham	1,120.09
Kings Hill	3,970.48
Leybourne	1,825.18
Mereworth	437.88
Offham	379.71
Platt	884.07
Plaxtol	592.24
Ryarsh	364.80
Shipbourne	257.52
Snodland	3,624.13
Stansted	266.01
Trottiscliffe	270.86
Wateringbury	891.53
West Malling	1,113.20
West Peckham	178.63
Wouldham	597.05
Wrotham	891.32

2. £10,155,641 being the Council Tax requirement for the Council's own purposes for 2018/19 (excluding Parish precepts).

3. That the following amounts be calculated for the year 2018/19 in accordance with Sections 31 to 36 of the Act:

(a) £89,872,455 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) £76,937,177 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

(c) £12,935,278 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) £259.10 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) £3,562,807 being the aggregate amount of all special items (Special expenses and Parish precepts) referred to in Section 34(1) of the Act.

(f) £187.73 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)

Part of the Council's area	Band D £
Tonbridge	238.71
Addington	248.81
Aylesford	244.79
Birling	241.71
Borough Green	291.24
Burham	244.56
Ditton	337.88
East Malling & Larkfield	251.67
East Peckham	296.24
Hadlow	261.17
Hildenborough	218.66
Ightham	297.86
Kings Hill	261.50
Leybourne	286.23
Mereworth	258.87
Offham	241.49
Platt	268.27
Plaxtol	252.28
Ryarsh	240.65
Shipbourne	227.32
Snodland	273.79
Stansted	309.00
Trottiscliffe	248.65
Wateringbury	284.76
West Malling	296.60
West Peckham	217.96
Wouldham	259.55
Wrotham	287.31

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**

Part of the Council's area	A £	B £	C £	D £	E £	F £	G £	H £
Tonbridge	159.14	185.66	212.19	238.71	291.76	344.80	397.85	477.42
Addington	165.87	193.52	221.16	248.81	304.10	359.39	414.68	497.62
Aylesford	163.19	190.39	217.59	244.79	299.19	353.59	407.98	489.58
Birling	161.14	188.00	214.85	241.71	295.42	349.14	402.85	483.42
Borough Green	194.16	226.52	258.88	291.24	355.96	420.68	485.40	582.48
Burham	163.04	190.21	217.39	244.56	298.91	353.25	407.60	489.12
Ditton	225.25	262.80	300.34	337.88	412.96	488.05	563.13	675.76
East Malling & Larkfield	167.78	195.74	223.71	251.67	307.60	363.52	419.45	503.34
East Peckham	197.49	230.41	263.32	296.24	362.07	427.90	493.73	592.48
Hadlow	174.11	203.13	232.15	261.17	319.21	377.25	435.28	522.34
Hildenborough	145.77	170.07	194.36	218.66	267.25	315.84	364.43	437.32
Ightham	198.57	231.67	264.76	297.86	364.05	430.24	496.43	595.72
Kings Hill	174.33	203.39	232.44	261.50	319.61	377.72	435.83	523.00
Leybourne	190.82	222.62	254.43	286.23	349.84	413.44	477.05	572.46
Mereworth	172.58	201.34	230.11	258.87	316.40	373.92	431.45	517.74
Offham	160.99	187.83	214.66	241.49	295.15	348.82	402.48	482.98
Platt	178.85	208.65	238.46	268.27	327.89	387.50	447.12	536.54
Plaxtol	168.19	196.22	224.25	252.28	308.34	364.40	420.47	504.56
Ryarsh	160.43	187.17	213.91	240.65	294.13	347.61	401.08	481.30
Shipbourne	151.55	176.80	202.06	227.32	277.84	328.35	378.87	454.64
Snodland	182.53	212.95	243.37	273.79	334.63	395.47	456.32	547.58
Stansted	206.00	240.33	274.67	309.00	377.67	446.33	515.00	618.00
Trottiscliffe	165.77	193.39	221.02	248.65	303.91	359.16	414.42	497.30
Wateringbury	189.84	221.48	253.12	284.76	348.04	411.32	474.60	569.52
West Malling	197.73	230.69	263.64	296.60	362.51	428.42	494.33	593.20
West Peckham	145.31	169.52	193.74	217.96	266.40	314.83	363.27	435.92
Wouldham	173.03	201.87	230.71	259.55	317.23	374.91	432.58	519.10
Wrotham	191.54	223.46	255.39	287.31	351.16	415.00	478.85	574.62

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 2018/19 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:

	Valuation Bands							
	A	B	C	D	E	F	G	H
Precepting Authority	£	£	£	£	£	£	£	£
The Police & Crime Commissioner for Kent	112.77	131.56	150.36	169.15	206.74	244.33	281.92	338.30
Kent & Medway Fire & Rescue Authority	50.34	58.73	67.12	75.51	92.29	109.07	125.85	151.02
Kent County Council	825.12	962.64	1,100.16	1,237.68	1,512.72	1,787.76	2,062.80	2,475.36

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 2018/19, for each of the categories of dwellings shown below:

	Valuation Bands							
	A	B	C	D	E	F	G	H
Part of the Council's area	£	£	£	£	£	£	£	£
Tonbridge	1,147.37	1,338.59	1,529.83	1,721.05	2,103.51	2,485.96	2,868.42	3,442.10
Addington	1,154.10	1,346.45	1,538.80	1,731.15	2,115.85	2,500.55	2,885.25	3,462.30
Aylesford	1,151.42	1,343.32	1,535.23	1,727.13	2,110.94	2,494.75	2,878.55	3,454.26
Birling	1,149.37	1,340.93	1,532.49	1,724.05	2,107.17	2,490.30	2,873.42	3,448.10
Borough Green	1,182.39	1,379.45	1,576.52	1,773.58	2,167.71	2,561.84	2,955.97	3,547.16
Burham	1,151.27	1,343.14	1,535.03	1,726.90	2,110.66	2,494.41	2,878.17	3,453.80
Ditton	1,213.48	1,415.73	1,617.98	1,820.22	2,224.71	2,629.21	3,033.70	3,640.44
East Malling & Larkfield	1,156.01	1,348.67	1,541.35	1,734.01	2,119.35	2,504.68	2,890.02	3,468.02
East Peckham	1,185.72	1,383.34	1,580.96	1,778.58	2,173.82	2,569.06	2,964.30	3,557.16
Hadlow	1,162.34	1,356.06	1,549.79	1,743.51	2,130.96	2,518.41	2,905.85	3,487.02
Hildenborough	1,134.00	1,323.00	1,512.00	1,701.00	2,079.00	2,457.00	2,835.00	3,402.00
Ightham	1,186.80	1,384.60	1,582.40	1,780.20	2,175.80	2,571.40	2,967.00	3,560.40
Kings Hill	1,162.56	1,356.32	1,550.08	1,743.84	2,131.36	2,518.88	2,906.40	3,487.68
Leybourne	1,179.05	1,375.55	1,572.07	1,768.57	2,161.59	2,554.60	2,947.62	3,537.14
Mereworth	1,160.81	1,354.27	1,547.75	1,741.21	2,128.15	2,515.08	2,902.02	3,482.42
Offham	1,149.22	1,340.76	1,532.30	1,723.83	2,106.90	2,489.98	2,873.05	3,447.66
Platt	1,167.08	1,361.58	1,556.10	1,750.61	2,139.64	2,528.66	2,917.69	3,501.22
Plaxtol	1,156.42	1,349.15	1,541.89	1,734.62	2,120.09	2,505.56	2,891.04	3,469.24
Ryarsh	1,148.66	1,340.10	1,531.55	1,722.99	2,105.88	2,488.77	2,871.65	3,445.98
Shipbourne	1,139.78	1,329.73	1,519.70	1,709.66	2,089.59	2,469.51	2,849.44	3,419.32
Snodland	1,170.76	1,365.88	1,561.01	1,756.13	2,146.38	2,536.63	2,926.89	3,512.26
Stansted	1,194.23	1,393.26	1,592.31	1,791.34	2,189.42	2,587.49	2,985.57	3,582.68
Trottiscliffe	1,154.00	1,346.32	1,538.66	1,730.99	2,115.66	2,500.32	2,884.99	3,461.98
Wateringbury	1,178.07	1,374.41	1,570.76	1,767.10	2,159.79	2,552.48	2,945.17	3,534.20
West Malling	1,185.96	1,383.62	1,581.28	1,778.94	2,174.26	2,569.58	2,964.90	3,557.88
West Peckham	1,133.54	1,322.45	1,511.38	1,700.30	2,078.15	2,455.99	2,833.84	3,400.60
Wouldham	1,161.26	1,354.80	1,548.35	1,741.89	2,128.98	2,516.07	2,903.15	3,483.78
Wrotham	1,179.77	1,376.39	1,573.03	1,769.65	2,162.91	2,556.16	2,949.42	3,539.30

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 22nd February, 2018

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 P F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr M O Davis, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Miss G E Thomas and Cllr F G Tombolis

Apologies for absence were received from Councillors B T M Elks, Mrs M F Heslop, N J Heslop and H S Rogers

PART 1 - PUBLIC

AP1 18/1 DECLARATIONS OF INTEREST

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

AP1 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 26 October 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

AP1 18/3 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 18/4 TM/17/02468/FL - TEEN AND TWENTY CLUB, RIVER LAWN ROAD, TONBRIDGE

Demolition of existing building and erection of a new 3 storey medical centre incorporating a retail pharmacy, with associated parking and landscaping at Teen and Twenty Club, River Lawn Road, 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) The amendment of Condition

12. The measures for implementation and monitoring arrangements as set out in the Travel Plan (Reference 618753-MLM-ZZ-RP-TP-002, received on 01 February 2018) and Car Park Management Plan (Reference 618573-MLM-ZZ-RP-TP-003, received on 01 September 2017) hereby approved shall be fully adhered to.

After 12 months of the commencement of the use hereby approved, a monitoring report shall be submitted to the Local Planning Authority for approval. This report shall demonstrate to the reasonable satisfaction of the Local Planning Authority how the travel plan and car park management plans have been implemented during the previous 12-month period and shall include:

- Measures introduced and actions taken to promote the travel plan and effective management of the car park;
- A statistical summary of the modal split of employees/residents/users disclosed by the monitoring surveys;
- The progress of the travel plan in achieving targets and identifying any amendments in the event that targets are not achieved;
- A plan for future actions to be implemented and a timescale for such implementation.

Reason: In the interests of the proper management of traffic and highway safety and in order to encourage more sustainable modes of transport to/from the site by staff and visitors.

(2) The addition of Condition

27. If during construction, items or features of archaeological and/or historic importance are discovered, all development shall cease until such time as the applicant, or their agents or successors in title, have submitted a scheme to the Local Planning Authority for approval which

suitably secures the implementation of a watching brief to be undertaken by an archaeologist for the duration of the works as necessary.

Reason: To ensure that features of archaeological interest are properly examined and recorded; and

(3) The addition of Informatives

14. The applicant is advised that in connection with the submission of a flood management and evacuation plan as required by Condition 20, they liaise with the designated Flood Warden for the area.

15. The applicant is reminded that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 (as amended) particularly in respect of nesting birds. Should any further information be required in this respect, the applicant should contact Natural England.

[Speakers: Ms S Bevan (on behalf of Tonbridge Civic Society), Mrs E Hood, Ms J Lloyd, Ms E Hood and Mr M Hood (on behalf of Barden Residents Association) – members of the public; and Ms S Gibbs (Agent) and Dr T Palmer (Applicant)]

AP1 18/5 ALLEGED UNAUTHORISED DEVELOPMENT - 16/00309/WORKM - LAND WEST OF LAXTON FARM, COMMON ROAD, TONBRIDGE

The report set out details of an alleged breach of planning control regarding the unauthorised use of the land for the storage of a touring caravan and the erection of a building without planning permission.

RESOLVED: That Enforcement Notices be issued to seek the cessation of the use of the site for the storage of caravans and a further Notice to seek the removal of the unauthorised building along with any arisings from its demolition and the land restored to its former condition thereafter.

AP1 18/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

JOINT STANDARDS COMMITTEE

Monday, 5th March, 2018

Present: Cllr Miss J L Sergison (Chairman), Cllr D J Cure (Vice-Chairman), Cllr D A S Davis (Vice-Chairman), Cllr Mrs P A Bates, Cllr R P Betts, Cllr C P Smith, Ms P Garrett (Addington), Mr W E Stead (Burham), Mr D Thornewell (East Malling and Larkfield), Ms H Harratt (East Peckham), Ms J Newman (Hadlow) and Prof M McKinlay (Ryarsh)

Councillors Mrs J A Anderson and N J Heslop were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell, Mrs B A Brown, Mrs T Dean and Miss G E Thomas; and from Mr M Taylor (Borough Green), Mrs P Darby (Platt) and Mr M Carboni (Plaxtol)

PART 1 - PUBLIC

ST 18/1 DECLARATIONS OF INTEREST

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

ST 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Joint Standards Committee held on 16 January 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

ST 18/3 COMMITTEE ON STANDARDS IN PUBLIC LIFE – CONSULTATION PAPER

The report of the Director of Central Services and Monitoring Officer set out details of a consultation paper published by the Committee on Standards in Public Life on 29 January 2018 calling for evidence about how local councils were supporting good ethical standards in local government. He advised that responses had been sought by 18 May 2018 and the report provided a link via which responses could be made. Annex 1 to the report set out details of the proposed response to be made by the Monitoring Officer on behalf of the Joint Standards Committee and particular attention was drawn to the section on

Sanctions. The Committee considered that the lack of effective sanctions, such as the ability to suspend a member of the Council, should be identified as a fundamental weakness and should be reinstated. The Committee also felt that the costs burden on the Council of dealing with standards complaints should be set out in the response.

RESOLVED: That, subject to the inclusion of additional representations relating to the costs burden of dealing with standards complaints, the response to the Consultation, as set out at Annex 1 to the report, be approved.

MATTERS SUBMITTED FOR INFORMATION

ST 18/4 UPDATE - CODE OF CONDUCT COMPLAINTS

The report of the Monitoring Officer provided an update on complaints received since January 2017.

RESOLVED: That the report be received and noted.

ST 18/5 CODE OF CONDUCT - REFRESHER TRAINING

The Committee received a presentation from the Director of Central Services and Monitoring Officer which outlined the current standards regime, the requirements of the Code of Conduct and, in particular, the rules governing Disclosable Pecuniary Interests and Other Significant Interests. The Director of Central Services answered a number of questions raised at the meeting.

MATTERS FOR CONSIDERATION IN PRIVATE

ST 18/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.43 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 13th March, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs S M Barker (Vice-Chairman), Cllr B T M Elks, Cllr D Keers, Cllr Mrs F A Kemp, Cllr H S Rogers and Cllr R V Roud

Councillors N J Heslop, M R Rhodes and A K Sullivan were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors O C Baldock, M C Base, Mrs P A Bates, M A Coffin, S M King, M Taylor and F G Tombolis

PART 1 - PUBLIC

LA 18/16 DECLARATIONS OF INTEREST

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

LA 18/17 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 28 November 2017 be approved as a correct record and signed by the Chairman.

LA 18/18 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 7 December 2017, 5 February and 16 February 2018 be received and noted.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 18/19 FEEDBACK FROM CONSULTATION ON THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2018 - 2023

Further to Minute LA 17/51, the report of the Director of Central Services and Monitoring Officer provided feedback from the consultation on the draft Hackney Carriage and Private Hire Licensing Policy for 2018 - 2023. The report highlighted the proposed changes to the current policy, the responses received to the consultation and officers' comments and recommendations thereon.

RECOMMENDED: That the proposed changes to the Hackney Carriage and Private Hire Licensing Policy set out at Annex 1 to the report be

approved together with the recommendations at Annex 3 to the report and, in relation to the comment on Green Electric Cars, reference be made in the Policy to there being no restriction on the number of seats to allow applications for vehicles with room for one passenger to be considered on their merits.
***Referred to Council**

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

LA 18/20 DISCONTINUANCE OF PRIVATE HIRE PROBATIONARY LICENCES

The report of the Director of Central Services and Monitoring Officer gave details of a review of the time, costs and effectiveness of administering the private hire probationary badge licence programme. It was recommended that Probationary Badges be discontinued on the grounds of time and costs of administration and the potential safeguarding issues identified.

Members discussed the rationale of the probationary licence system when it was introduced and its success when mentors fulfilled their intended role. However, it was noted that Tonbridge and Malling was almost unique in operating such an arrangement and the large number of probationary badges being issued had implications for cross-border working and the ability to target enforcement activity. It was therefore proposed to undertake a period of consultation prior to further consideration by the Committee and all Members of the Council would be encouraged to submit their views.

RESOLVED: That the discontinuance of the Probationary Private Hire Licence be subject to consultation and report back as set out in the report.

LA 18/21 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.17 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 20th March, 2018

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

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

PART 1 - PUBLIC

CB 18/22 DECLARATIONS OF INTEREST

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

CB 18/23 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 8 February 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 18/24 GENERAL DATA PROTECTION REGULATION SOFTWARE

The joint report of the Director of Central Services and Director of Finance and Transformation explored the use of software to enable the Council to comply with new data protection legislation due to come into effect in May 2018. The requirements of the General Data Protection Regulation (GDPR) were outlined in terms of accountability, privacy by design and default and the need for protection of personal data to be embedded throughout the organisation. It was noted that the Council was required to demonstrate data governance processes and procedures in order to mitigate the risk of substantial fines by the Information Commissioners Office in the event of a data breach.

Consideration was given to a Capital Plan evaluation which had been conducted for the purchase of an automated software solution which could reduce the risks under the GDPR. Considerable discussion ensued and officers undertook to examine some of the points raised by Members before the Council meeting. Reference was made to the Member training being arranged and all Councillors were urged to attend.

RECOMMENDED: That an automated software solution for General Data Protection Regulation purposes be added to the Capital Plan, funded from the Invest to Save reserve.
***Referred to Council**

CB 18/25 PURCHASE OF TEMPORARY ACCOMMODATION

The joint report of the Director of Planning, Housing and Environmental Health and Director of Central Services set out the need for access to additional temporary accommodation in order to address both housing management and cost issues in dealing with applications under homelessness legislation. The report presented a preferred way of moving forward in the short term utilising funds from planning obligations. Consideration was given to a Capital Plan evaluation for the purchase of property for temporary accommodation purposes.

Members welcomed the proposal and expressed the wish that the accommodation should be within the Borough where possible although it was recognised that it might be necessary to look beyond the boundary to obtain best value.

RECOMMENDED: That

(1) the sum of up to £1.6m be added to the Capital Plan for the purchase of property for temporary accommodation purposes funded from section 106 monies; and

(2) delegated authority be granted to the Director of Planning, Housing and Environmental Health and Director of Central Services, in consultation with the Cabinet Member for Housing and Cabinet Member for Finance, Innovation and Property, to progress the purchase of property for temporary accommodation purposes as set out in the report.
***Referred to Council**

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

CB 18/26 WASTE SERVICES CONTRACT RE-TENDER

Decision Notice D180023CAB

CB 18/27 CAR PARKING FEES AND CHARGES - OUTCOME OF PUBLIC CONSULTATION

Decision Notice D180024CAB

CB 18/28 LEYBOURNE LAKES COUNTRY PARK - DEVELOPMENT OPPORTUNITIES

Decision Notice D180025CAB

CB 18/29 ON-STREET PARKING FEES AND CHARGES

Decision Notice D180026CAB

CB 18/30 PARKING ACTION PLAN - PHASE 9

Decision Notice D180027CAB

MATTERS SUBMITTED FOR INFORMATION

CB 18/31 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 13 February 2018
Economic Regeneration Advisory Board of 21 February 2018
Planning and Transportation Advisory Board of 6 March 2018

RESOLVED: That the report be received and noted.

CB 18/32 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 15 February 2018
Joint Transportation Board of 12 March 2018

RESOLVED: That the report be received and noted.

CB 18/33 STRATEGIC RISK REGISTER

The report of the Management Team presented the latest iteration of the Strategic Risk Register which had been reviewed and updated to align with the new Corporate Strategy in the autumn. It was noted that updates had been made in respect of emergency arrangements, contaminated land and the potential demise of a large partner organisation.

RESOLVED: That the report be received and noted.

CB 18/34 FAIR FUNDING REVIEW

The report of the Director of Finance and Transformation referred to the publication of a technical consultation paper entitled "Fair funding review: a review of relative needs and resources" alongside the 2018/19 Provisional Local Government Finance Settlement. An overview of the paper was given together with comments and the response submitted by the 12 March 2018 deadline with the agreement of the Leader and Cabinet Member for Finance, Innovation and Property.

RESOLVED: That the report be received and noted.

CB 18/35 BUSINESS RATES - DISCRETIONARY FUND RELIEF SCHEME POLICY

The report of the Director of Finance and Transformation gave details of changes made to the Discretionary Fund Relief Scheme Policy to ensure that the amount of relief awarded to eligible businesses was maximised.

RESOLVED: That the report be received and noted.

CB 18/36 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 18/37 DEBTS FOR WRITE OFF

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

Decision Notice D180028CAB

The meeting ended at 8.35 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

Decision No: D180016MEM

Date: 13 February 2018

Decision(s) and Reason(s)

Environmental Health Services Enforcement Policy

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

The report presented an updated Environmental Health Services Enforcement Policy, which took into account revisions to the Code for Crown Prosecutors and Regulator's Compliance Code and reflected the need to liaise with the Primary Authority when enforcement action was proposed.

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

The updated version of the Environmental Health Services Enforcement Policy (attached at Annex 1 to the report), be endorsed.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 13 February 2018.

Signed Cabinet Member for Street Scene and Environment Services	D Lettington
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	16 February 2018

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: D180017MEM

Date: 13 February 2018

Decision(s) and Reason(s)

Former Joco Pit - Landfill Gas Investigation

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

The report outlined the process being taken to investigate landfill gas levels at the former Joco pit in Borough Green. It was noted that increased gas levels at one borehole, recorded in mid-2017, had not stabilised and further investigation was necessary to identify the level of potential risk.

An external consultant had been commissioned to advise the Borough Council and carry out works, which included the drilling and monitoring of 8 additional boreholes. These would be installed with continuous gas analysers to provide data for 1 month. The site would then be spot monitored weekly for a further 2 months and the data used to produce an up to date and adequate risk assessment for the site.

Members were pleased to note that following positive drop-in sessions with residents a sufficient number of homeowners had volunteered to have boreholes placed on their properties.

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

The approach set out in the report, and summarised above, be endorsed to enable further investigation and risk assessment to be undertaken immediately.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 13 February 2018.

Signed Cabinet Member for Street Scene and Environment Services	D Lettington
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	16 February 2018

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: D180018MEM

Date: 21 February 2018

Decision(s) and Reason(s)

Update on the Borough Economic Regeneration Strategy Action Plan for 2017/18 and Priorities for 2018/19

(Report of Chief Executive)

A detailed overview of the progress made in delivering the Economic Regeneration Strategy Action Plan during 2017/18 was provided and it was reported that overall good progress was being made across a wide range of initiatives.

The proposed priorities for 2018/19 were also set out and these were influenced by progress made in specific areas, as well as the level of future financial resources. Actions key to the effective delivery of the Economic Regeneration Strategy were detailed at 1.3.1 of the report.

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

(1) the Economic Regeneration Strategy Action Plan, as set out in Appendix 1 to the report, be endorsed; and

(2) the priorities for 2018/19, as set out at 1.3.1 of the report, be agreed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 21 February 2018.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 February 2018

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: D180019MEM

Date: 21 February 2018

Decision(s) and Reason(s)

Skills and Work Readiness Update

(Report of Chief Executive)

The report provided an update on added value activities that the Borough Council had been delivering under the 'skills and work readiness' agenda and proposed future activity for 2018/19.

Members welcomed the positive outcomes related to the West Kent Enterprise Adviser Network and suggested that a future meeting of the Advisory Board focus on this initiative and consideration be given to inviting the local co-ordinator, employers, the Federation of Small Businesses, West Kent College and users of the course to share their experiences.

Following consideration by the Economic Regeneration Advisory Board, the Cabinet Member for Economic Regeneration resolved that the proposals for 2018/19, as detailed in paragraph 1.4.1 of the report, be endorsed

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 21 February 2018.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 February 2018

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: D180020MEM

Date: 21 February 2018

Decision(s) and Reason(s)

Tonbridge Fairtrade Town - Proposal

(Report of Chief Executive)

The report set out proposals aimed at making Tonbridge a Fairtrade town and the Borough Council's support of the initiative was sought. In addition, a local Fairtrade Steering Group, with a nominated Borough Council representative, was required to ensure continued development and support

A draft resolution in support of the Fairtrade town initiative was set out at paragraph 1.4.1 of the report. For clarity, whilst the draft resolution encouraged the supply of Fairtrade products in the Borough Council offices it was noted that the organisation no longer had canteen facilities on site.

Members were supportive of the proposals for a Fairtrade Town and strongly encouraged balanced representation of the business community on the Steering Group.

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

(1) the resolution set out in paragraph 1.4.1 of the report be supported; and

(2) a representative from Tonbridge and Malling Borough Council be appointed to the Tonbridge Fairtrade Steering Group

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 21 February 2018.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 February 2018

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: D180021MEM

Date: 06 March 2018

Decision(s) and Reason(s)

Local Plan

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

The report set out a revised timetable for preparing the Local Plan following the publication of 'Building the Right Homes in the Right Places' by the Government for consultation in September 2017. In addition, an update in respect of the most recent elements of the Local Plan evidence base that had been finalised or updated was provided.

Subsequent to the preparation of the report, Members were advised that a draft version of the revised National Planning Policy Framework (NPPF) had been published and was out for consultation until 10 May 2018, along with various other documents including one dealing with developer contributions.

Particular reference was made to the transitional arrangements proposed which provided for Local Plans submitted to the Secretary of State within 6 months of the final NPPF being published to be assessed under the current NPPF, rather than the proposed new standardised methodology for calculating housing need which would be a significantly higher figure for many local authorities.

For Tonbridge and Malling this meant that Objectively Assessed Needs of 696 new homes per year and associated evidence already prepared and used to inform 'The Way Forward' regulation 18 consultation document could continue to form the basis for the Borough's Local Plan.

It was proposed that every effort should be made to submit the Borough's Local Plan to the Secretary of State within the 6 month transitional period which was anticipated to be December 2018 at the latest.

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

(1) the progress on the Local Plan evidence base be noted;

(2) the revised timetable for preparing the Local Plan, as summarised in the report

and set out in Annex 1 be agreed, subject to: every effort being made to submit the Local Plan to the Secretary of State by end of December 2018 to take advantage of the transitional arrangements proposed in the draft National Planning Policy Framework; and (3) the proposed new Local Plan be brought forward for consideration at the next two meetings of the Advisory Board and subsequently reported to Cabinet and Council in September 2018.
Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 6 March 2018.

Signed Cabinet Member for Strategic Planning and Infrastructure	H Rogers
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	9 March 2018

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: D180022MEM

Date: 06 March 2018

Decision(s) and Reason(s)

New London Plan Consultation

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

The report summarised progress and next stages in the preparation of the new London Plan; highlighted some of the key issues for Tonbridge and Malling and the wider south east and sought endorsement of the officer level comments returned by the deadline of 2 March 2018.

Concerns raised in the officer level response related to the potential for any unmet housing need putting additional pressure on surrounding local planning authorities and the inability of London Boroughs to release Green Belt land.

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

(1) the progress made in respect of preparing the draft London Plan be noted; and

(2) the officer level responses (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 6 March 2018.

Signed Cabinet Member for Strategic Planning and Infrastructure	H Rogers
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	9 March

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: D180023CAB
Date: 20 March 2018

Decision(s) and Reason(s)

Waste Services Contract Re-tender

(Item SSE 18/3 referred from Street Scene and Environment Services Advisory Board minutes of 13 February 2018)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 13 February 2018.

The Cabinet resolved that:

The recommendations of the Street Scene and Environment Services Advisory Board be approved as follows:

(1) the withdrawal of Dartford Borough Council from the Waste Contract Partnership be noted and the resultant project timescale approved;

(2) subject to Member comment on the draft Equality Impact Assessment, a final Equality Impact Assessment be presented to the next meeting of the Advisory Board for consideration;

(3) the modification to the length of the contract outlined in the report be noted; and

(4) the approach to resident communication and the development of a marketing plan in liaison with the Council Members be agreed.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 13 February 2018.

Signed Chief Executive: J Beilby

Date of publication: 22 March 2018

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: D180024CAB
Date: 20 March 2018

Decision(s) and Reason(s)

Car Parking Fees and Charges - Outcome of Public Consultation

(Item SSE 18/5 referred from Street Scene and Environment Services Advisory Board minutes of 13 February 2018)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 13 February 2018.

The Cabinet resolved that:

The recommendations of the Street Scene and Environment Services Advisory Board be approved as follows:

Car parking charges should come into effect from 1 April 2018 subject to the following actions being taken in advance of this date:

(1) the objections to the increase in off-street parking charges, as detailed in the report, be set aside; and

(2) the appropriate Traffic Regulation Order be made to facilitate the variation of the off-street parking charges.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 13 February 2018.

Signed Chief Executive: J Beilby

Date of publication: 22 March 2018

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: D180025CAB
Date: 20 March 2018

Decision(s) and Reason(s)

Leybourne Lakes Country Park - Development Opportunities

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

The report provided an update on proposals for the potential outsourcing of management of Leybourne Lakes Country Park, brought forward Heads of Terms for consideration and approval and advised on the procurement route, timeframe and evaluation criteria.

The Cabinet resolved that:

(1) the Heads of Terms, as detailed in Annex 3 to the report, be approved and form the basis of a Management Agreement for the procurement exercise;

(2) a price/quality split of 40% price and 60% quality for the evaluation of the tenders be approved;

(3) the detailed evaluation criteria be reported to the next meeting of the Communities and Housing Advisory Board for consideration and approval; and

(4) the procurement route and timeframe be noted and approved as outlined in the report.

Reasons: As set out in the report of the Director of Street Scene, Leisure and Technical Services.

Signed Chief Executive: J Beilby

Date of publication: 22 March 2018

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: D180026CAB
Date: 20 March 2018

Decision(s) and Reason(s)

On-Street Parking Fees and Charges

(Item JTB 18/3 referred from Joint Transportation Board minutes of 12 March 2018)

Consideration of recommendations to the Cabinet from the Joint Transportation Board of 12 March 2018.

The Cabinet resolved that:

The recommendations of the Joint Transportation Board be approved as follows:

The proposed charges, as set out at Annex 1 to the report, be implemented with effect from 1 April 2018.

Reasons: As set out in the report submitted to the Joint Transportation Board of 12 March 2018.

Signed Chief Executive: J Beilby

Date of publication: 22 March 2018

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: D180027CAB
Date: 20 March 2018

Decision(s) and Reason(s)

Parking Action Plan - Phase 9

(Item JTB 18/4 referred from Joint Transportation Board minutes of 12 March 2018)

Consideration of recommendations to the Cabinet from the Joint Transportation Board of 12 March 2018.

The Cabinet resolved that:

The recommendations of the Joint Transportation Board be approved as follows:

The recommendations set out in Annex 1 to the report be agreed, the Traffic Regulation Order be amended and the proposed changes be implemented.

Reasons: As set out in the report submitted to the Joint Transportation Board of 12 March 2018.

Signed Chief Executive: J Beilby

Date of publication: 22 March 2018

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: D180028CAB
Date: 20 March 2018

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.

The Cabinet resolved that:

The 24 items shown in the schedule of amounts over £1,000, totalling £79,183.84 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: 22 March 2018

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

AUDIT COMMITTEE

Tuesday, 3rd April, 2018

Present: Cllr V M C Branson (Chairman), Cllr T Bishop, Cllr S R J Jessel, Cllr Mrs F A Kemp and Cllr S C Perry

Grant Thornton, External Auditors: Mr C McLaughlin (Director) and Mr A Ayre (Manager)

Councillors Mrs J A Anderson, O C Baldock, M A Coffin, N J Heslop, 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 M C Base (Vice-Chairman) and B T M Elks

PART 1 - PUBLIC

AU 18/15 DECLARATIONS OF INTEREST

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

AU 18/16 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 22 January 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

AU 18/17 AUDIT COMMITTEE ANNUAL REPORT

The report of the Chairman of the Audit Committee aimed to inform the Council of the means by which the Committee had provided independent assurance to those charged with governance on the adequacy of the risk management framework, the internal control environment and the integrity of financial reporting and annual governance processes. The report summarised the work carried out by the Committee during 2017/18 and concluded that the required assurance set out in the Chartered Institute of Public Finance and Accountancy (CIPFA) Practical Guidance for Local Authorities 2013 had been provided by the Audit Committee to those charged with governance. The Leader of the

Council thanked the Chairman and the members of the Audit Committee for their due diligence over the previous twelve months.

RECOMMENDED: That the Annual Report be presented to the Council as independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.
***Referred to Council**

AU 18/18 LOCAL CODE OF CORPORATE GOVERNANCE

Further to Minute AU 17/19 of the Audit Committee held on 3 April 2017, the joint report of the Chief Executive and the Director of Central Services reminded Members that the Local Code of Corporate Governance had been amended to reflect the Delivering Good Governance Framework 2016 produced by CIPFA/SOLACE. Members were advised that the review of the Council's Constitution would be reported to the meeting of the Overview and Scrutiny Committee to be held on 19 April 2018. Attention was drawn to the forthcoming changes in Data Protection legislation through the General Data Protection Regulation (GDPR).

The Chief Financial Services Officer reminded Members that there was no legal requirement for councils to prepare a Local Code of Corporate Governance, although it was seen as good practice, and outlined a number of minor amendments to the text of the supporting evidence set out in Annex 1 to the report. In response to a comment on the role of the Overview and Scrutiny Committee at Section 2.1 of the Annex the Leader referred to the historical context of that Committee and the development of Advisory Boards to aid governance arrangements within this Authority.

RECOMMENDED: That, subject to some minor textual amendments, the revised Local Code for Corporate Governance, as set out at Annex 1 to the report, be commended for adoption by the Council.
***Referred to Council**

<u>MATTERS FOR RECOMMENDATION TO THE CABINET</u>

AU 18/19 TREASURY MANAGEMENT UPDATE

The report of the Director of Finance and Transformation provided an update of treasury management activity undertaken during the 2017/18 financial year within the context of the national economy. Members were invited to endorse the action taken by officers and to note the treasury management position at the end of February 2018.

RESOLVED: That the Cabinet be recommended to

(1) endorse the action taken by officers in respect of treasury management activity for the period April 2017 to February 2018; and

(2) note the treasury position at the end of February 2018.

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

AU 18/20 INTERNAL AUDIT AND FRAUD PLAN 2018/19

The report of the Chief Audit Executive presented the Internal Audit and Fraud Plan for 2018/19. Consideration was given to the coverage of the plan which was informed by an assessment of the risks and audit needs of the Council and was intended to ensure that the work of the Internal Audit and Fraud Team was effectively directed. Members welcomed the intention to focus on the recuperation of income arising from the fraudulent use of Blue Badges and the clarity of the Table attached to Annex 1 to the report.

RESOLVED: That the Internal Audit and Fraud Plan for 2018/19, as set out in Annex 1 to the report, be endorsed.

AU 18/21 MEMBERS ASSURANCE ON COMPLIANCE WITH INTERNATIONAL STANDARDS ON AUDITING

The report of the Chairman of the Audit Committee explained how those charged with governance were required to assure the External Auditor that the Council had complied with the requirements of the International Standards on Auditing. Members considered the questions and responses which had been prepared and agreed with the Chairman. It was noted that the Management Team was also required to provide assurance in this regard and this was the subject of a separate report.

RESOLVED: That, subject to some minor textual amendments, the responses set out in Annex 1 to the report be endorsed and the assurance provided be agreed.

MATTERS SUBMITTED FOR INFORMATION

AU 18/22 MANAGEMENT TEAM ASSURANCE ON COMPLIANCE WITH INTERNATIONAL STANDARDS ON AUDITING

The Committee received the report of the Management Team confirming compliance with the International Standards on Auditing. Reference was

made to the similar assurance to be provided by the Audit Committee for which this report provided supporting evidence (Minute AU 18/21 refers).

RESOLVED: That the report be received and noted.

AU 18/23 INTERNAL AUDIT AND COUNTER FRAUD UPDATE

The report of the Chief Audit Executive provided an update on the work of the Internal Audit and Counter Fraud functions for the period 1 April 2017 to 28 February 2018.

RESOLVED: That the report be received and noted.

AU 18/24 GRANT THORNTON - EXTERNAL AUDIT PLAN

The Director of Finance and Transformation presented the External Audit Plan for the year ended 31 March 2018. Attention was drawn to the proposed approach to the audit of the Council's financial statements and the identified risks to be considered by the external auditor.

RESOLVED: That the report be received and noted.

AU 18/25 SCALE OF AUDIT FEES FOR 2018/19

The report of the Director of Finance and Transformation informed Members of the scale of audit fees for the audit of the 2018/19 accounts set by Public Sector Audit Appointments Limited (PSAA).

RESOLVED: That the report be received and noted.

AU 18/26 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 18/27 INSURANCE CLAIMS HISTORY: APRIL 2017 - MARCH 2018

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

The Director of Finance and Transformation reported on the nature and volume of liability and property damage insurance claims submitted during the period April 2017 to March 2018.

RESOLVED: That the report be received and noted.

The meeting ended at 8.19 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS

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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, 5th April, 2018

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 P F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr M O Davis, Cllr Edmondston-Low, Cllr N J Heslop, Cllr M R Rhodes, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Ms S V Spence and Cllr Miss G E Thomas

Apologies for absence were received from Councillors Mrs M F Heslop and F G Tombolis

PART 1 - PUBLIC

AP1 18/7 DECLARATIONS OF INTEREST

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

AP1 18/8 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 22 February 2018 be approved as a correct record and signed by the Chairman; subject to noting that Councillor Sarah Spence had submitted apologies to the meeting which had not been recorded. The website would be amended to reflect this.

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

AP1 18/9 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 18/10 TM/18/00173/FL - 36 DRY HILL PARK ROAD, TONBRIDGE

Change of use from residential dwelling to caring staff training centre at 36 Dry Hill Park Road, 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) Amended Conditions:

3. The use hereby permitted along with any associated activities connected with that use shall not be carried on outside the hours of 0800 to 1800 Mondays to Fridays, with no working on Saturdays, Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside the normal working hours to nearby residential properties.

4. This consent shall enure only for the benefit of Consultus Care and Nursing Ltd (the applicant) and it shall not enure for the benefit of the land or any other person, persons, organisation or company for the time being having an interest therein.

Reason: To enable the Local Planning Authority to assess the impact of another user of the land in the interests of amenity.

5. The site identified in red on drawing number 18002/SP01 shall be used for a centre for training carers and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In order to enable the Local Planning Authority to assess the impacts of alternative uses falling within the same use class upon residential amenity and highway safety.

6. The use shall not commence until details comprising a scheme of acoustic protection and noise insulation measures throughout the building (including but not limited to those along the party wall with 36A Dry Hill Park Road) have been submitted to and approved by the Local Planning Authority. The scheme shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In the interests of residential amenity.

(2) Additional Conditions:

8. The use of the site hereby approved shall not commence until a Travel Plan covering all staff, training attendees and any other visitors to the site has been submitted to and approved by the Local Planning Authority. Thereafter, the Travel Plan shall be implemented in full and monitored to ensure strict compliance with the approved scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of amenity.

9. The use of the site hereby approved shall not commence until details of a site and operational management plan have been submitted to and approved by the Local Planning Authority. The plan shall specify the arrangements for how the use will operate and how the site (inclusive of the building, terrace and garden) will be managed on a day to day basis. The plan shall set out specific details of measures and procedures to be put in place to ensure the use operates in an acceptable manner and should include (but not limited to) the following:

- Procedures for the processing and management of all visitors to the site;

- Measures and guidelines for use of all external spaces by staff and visitors;

- Procedures for liaising with local residents in the event of any issues arising;

- Procedures for the management of emergency events outside the approved hours of operation.

The plan should also detail how it would interact with the travel plan where applicable.

The use shall thereafter be undertaken in strict accordance with the approved plan.

Reason: In the interests of residential amenity.

10. The windows on the rear elevation of the building at first floor level shall be fitted with obscured glass. This work shall be affected before the use of the building commences and shall be retained at all times thereafter.

Reason: In the interests of residential amenity.

(3) Additional Informative(s):

1. The applicant is reminded of the need to fully comply with the requirements of the Building Regulations in respect of fire safety.

[Speakers: John Barr, Kirsten Barr, Petra Sulka, Lisa Gibbard (represented by Petra Sulka), Ian Gibbard (represented by Steven Johnston), Cheryl Farrar, Mark Farrar, David Mote, Rachel Barr, Steven Johnston and Sam Veitch – members of the public; and Peter Seldon – applicant]

AP1 18/11 ALLEGED UNAUTHORISED DEVELOPMENT 17/00361/WORKM - PEAR TREE FARM, MATTHEWS LANE, HADLOW

The report of the Director of Planning, Housing and Environmental Health advised of an alleged unauthorised construction of a new building within the grounds of Pear Tree Farm.

Attempts to resolve the breach through informal means had been explored and plans had been provided indicating alterations the owner would be prepared to make to resolve the situation. However, the plans still allowed for a building larger than approved under planning reference TM/14/03862/FL. In addition, a different use from the building previously approved was indicated.

Members were advised that formal action was now required for the owner to make the necessary changes to the building so that it met the terms of the otherwise implemented planning permission.

RESOLVED: That an Enforcement Notice BE ISSUED to seek all physical alterations to the unauthorised building to conform to the plans approved under planning reference TM/14/03862/FL.

AP1 18/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.15 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 6th April, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and Cllr H S Rogers

Together with representatives of the Licensing Authority

Following an apology for absence received from Councillor O C Baldock prior to meeting Councillor Rogers had been appointed to serve on the Panel

PART 1 - PUBLIC

LA 18/22 DECLARATIONS OF INTEREST

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

LA 18/23 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 18/24 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 5/2018

(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 he was unable to attend the Hearing. The Panel therefore

RESOLVED: That consideration of Case No 5/2018 in respect of an application for a Probationary Private Hire Driver's Licence be DEFERRED to a future meeting of the Licensing and Appeals Panel.

The meeting ended at 10.05 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 6th April, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and Cllr H S Rogers

Together with representatives of the Licensing Authority

Following an apology for absence received from Councillor O C Baldock prior to the meeting Councillor Rogers had been appointed to serve on the Panel

PART 1 - PUBLIC

LA 18/25 DECLARATIONS OF INTEREST

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

LA 18/26 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 18/27 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 6/2018

(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) and from Kent Police. The Hearing was held in the absence of the Applicant who had failed to attend. The Panel was advised that the DBS Certificate had disclosed that the Applicant had received a Caution dated 27 January 2017 for failure to comply with notification requirements on 19 October 2016, Sexual Offences Act 2003; had a Conviction dated 15 October 2014 for exposure, Sexual Offences Act

2003 and had received a Caution dated 17 June 2013 for committing an act outraging public decency by behaving in an indecent manner, Common Law.

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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(3) that Section 5.7.5 of the Policy regarding the relevance of previous convictions required that the Council had regard to the following: whether convictions were spent or unspent, class of the offences, age of the offences, and the apparent seriousness, as gauged by the penalty;

(4) that in respect of Indecency offences, Section 12.5 of the Policy required a period of 10 years conviction free before an application was considered favourably; and

(5) that Section 12.12.1 required that Cautions and Endorsable Fixed Penalties should be treated as though they were convictions and must be disclosed.

After careful consideration of the information placed before it, the Panel reached the conclusion that, due to the serious nature of the offences and to his appearance on the Sex Offenders register, the Applicant was not a fit and proper person to hold a Probationary Private Hire Driver's Licence and, therefore,

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

The meeting ended at 11.35 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 6th April, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and Cllr H S Rogers

Together with representatives of the Licensing Authority

Following an apology for absence received from Councillor O C Baldock prior to the meeting Councillor Rogers had been appointed to serve on the Panel

PART 1 - PUBLIC

LA 18/28 DECLARATIONS OF INTEREST

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

LA 18/29 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 18/30 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 7/2018

(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 DBS Certificate had disclosed that the Applicant had Convictions dated 14 June 2015 for Using a Vehicle while uninsured, Road Traffic Act 1988 S.143(2) and for Drive Motor Vehicle otherwise than in accordance with a Licence, Road Traffic Act 1988

S.87(1). The Panel noted that the Applicant had declared the conviction for driving while uninsured on the questionnaire submitted with his application.

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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(3) that Section 5.7.5 of the Policy regarding the relevance of previous convictions required that the Council had regard to the following: whether convictions were spent or unspent, class of the offences, age of the offences, and the apparent seriousness, as gauged by the penalty;

(4) that in respect of Major traffic offences, Section 12.6.1 of the Policy stated that an isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention would require careful consideration of the facts and would, at the very least, merit a warning as to future driving and advice on the standard expected of a hackney carriage and private hire driver. However, where the conviction was within 6 months prior to the date of application, the application would normally be refused;

(5) that Section 12.6.2 of the Policy stated that more than one conviction for this type of offence within 5 years was likely to merit refusal;

(6) the list of offences under the Road Traffic Act 1988 set out in Section 12.14 of the Policy, to which the above applied, included offences IN 10 (Using a vehicle uninsured against third party risks) and LC 20 (Driving otherwise than in accordance with a licence)

(7) that Section 12.12.1 required that Cautions and Endorsable Fixed Penalties should be treated as though they were convictions and must be disclosed.

The Panel listened carefully to the explanation of the circumstances surrounding the convictions and heard that, at the material time, the Applicant did not hold a valid driving licence and was driving without insurance. From the explanation given by the Applicant it was clear to

the Panel the he had been driving for some time without a valid driving licence or insurance. In the circumstances the Panel concluded that there was no good reason to deviate from the Council's Hackney Carriage and Private Hire Policy, as set out in Sections 12.6.1 and 12.14, as the Applicant was not 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 12.25 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 6th April, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and Cllr H S Rogers

Together with representatives of the Licensing Authority

Following an apology for absence received from Councillor O C Baldock prior to the meeting Councillor Rogers had been appointed to serve on the Panel

PART 1 - PUBLIC

LA 18/31 DECLARATIONS OF INTEREST

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

LA 18/32 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 18/33 APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - CASE NO 08/2018

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

The Panel was asked to consider whether an application for the renewal of a Private Hire Driver's Licence should be granted following the receipt of Information from the Disclosure and Barring Services (DBS).

The Panel was advised that the DBS Certificate had disclosed three Convictions dated 4 December 2015 for Destroy or damage property (Value of Damage £5000 or less – offence against Criminal Damage Act 1971 Only) on 7 November 2015. Criminal Damage Act 1971 S.1(1).

The Panel noted that the Applicant had declared the conviction on his renewal application.
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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(3) that, in respect of previous convictions, 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; and

(4) that Section 12.3.2 of the Policy stated that an application would normally be refused where the Applicant has a conviction of an offence of Criminal Damage and the conviction was less than 4 years prior to the date of application.

The Panel listened carefully to the explanation given by the Applicant of the circumstances surrounding the convictions for Criminal Damage and noted that he had held a licence for 10 years without any previous problems. The Panel felt that the Applicant had provided a candid explanation of the incident leading to his convictions and had shown genuine remorse. Additionally, the Panel noted that the incident had nothing to do with his work as a licensed driver. In this case the Panel felt that the Applicant was a fit and proper person to continue to hold a private Hire Driver's Licence. For these reasons, therefore, the Panel

RESOLVED: That the Application for the renewal of the Private Hire Driving Licence be GRANTED.

The meeting ended at 1.52 pm
having commenced at 1.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 10th April, 2018

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 10th April, 2018

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 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 M O Davis, 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 Mrs F A Kemp, 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 M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr 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 D A S Davis, Mrs T Dean, S M King and C P Smith

PART 1 - PUBLIC

C 18/15 DECLARATIONS OF INTEREST

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

C 18/16 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 20 February 2018 be approved as a correct record and signed by the Mayor.

C 18/17 MAYOR'S ANNOUNCEMENTS

The Mayor reported that he and the Deputy Mayor had attended 195 engagements since May. He highlighted some memorable events including the Dementia Friendly Business Exchange, the Derwent Day Care Centre's anniversary party and East Malling Partnership's Sports Relief. He also mentioned the Lord Lieutenant of Kent's Civic Service at

Canterbury, a concert by Sevenoaks and Tonbridge Concert Band and the Tonbridge Juddians RFC annual sponsors lunch and match. Members were reminded of the forthcoming Charity Gala evening at Kings Hill Golf Club on 28 April.

C 18/18 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 18/19 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 18/20 LEADER'S ANNOUNCEMENTS

The Leader indicated that he would use his announcements to remind the Council of some of the activity that had been achieved over the past 12 months, highlighting three particular areas.

However, he began by referring to the recent sad passing of David Evans who served on the Borough Council, Kent County Council and as a parish councillor for many years. He was first elected in May 1991 to the Borough Green Ward which subsequently became Borough Green and Long Mill Ward and retired in November 2013 after 22 years' service, having chaired a number of committees, most notably the Area 2 Planning Committee and the then Policy Overview Committee. In March 2016 David was appointed to the position of Honorary Alderman and the Leader expressed condolences on behalf of the Council to Sheila Evans and the family.

The Leader also reflected on the 100th anniversary of the Royal Air Force earlier this month and he indicated that it was in 1918 that RAF West Malling became operational. In recognition, the RAF flag was flying at the Council offices that day.

Review of the year

Looking back over the year, the Leader said Members had worked hard to remain true to the Council's core principles and its record of service, recognising the financial challenges faced by local authorities. The concern must be 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 focus on driving value for money had meant that the Borough Council had also delivered savings in excess of £1.8m over the last

three years. But the age of austerity continued for local government and a further £1m in savings had to be found over the next three years. That would require a joint effort between Members and senior officers in driving this forward. Colleagues were asked to note from the programme of meetings which followed on the agenda that the Overview and Scrutiny Committee was beginning a series of regular meetings over the course of the year and the Leader hoped that some of the topics would be able to contribute to that significant target.

Housing

The Leader referred to a recommendation later on the agenda that the Borough Council commit up to £1.6m of development contributions for the purchase of temporary accommodation. This was a positive move which would give the Council more options to assist people to whom it had a duty to house temporarily. It would also reduce the reliance on nightly paid accommodation and consequently help to manage and reduce costs. All round this provided a way of using resources that the Council had properly accrued from development in the Borough to provide suitable homes that were fit for purpose for those requiring help, at the cost of developers rather than the tax payers.

The Leader highlighted that, working with its registered social landlord partners, over 570 affordable homes had been provided throughout the Borough during the past three years and, in the most recent year 2017/18, the Council had secured 315 homes for affordable rent, social rent, shared ownership and extra care accommodation.

Business support

The Leader stated that supporting its businesses remained a key Council priority and he was proud of what had been achieved through the West Kent Partnership. A familiar plea from local employers was the need to improve careers advice and guidance. So he was pleased that this year a dedicated careers advice network was in place, funded both locally and by the national Career and Enterprise Company. The Council had worked with partners in staging Job Fairs throughout the Borough, putting business leaders in direct contact with job seekers.

The Village Stores Initiative over the course of a 12 month pilot project had supported local stores in East Peckham, Wateringbury, Plaxtol and Wouldham and the programme would now continue this year.

The Leader had been pleased to support the county-wide proposal to be a pilot area for the Business Rates retention scheme. This bid having been successful, he was looking forward to seeing the benefits and financial rewards including business investment in West Kent.

Leisure

Working in partnership, the Leader said that the Council could be proud of the leisure facilities offered to its residents. He highlighted the fact that in October last year, Tonbridge Swimming Pool was awarded an industry standard Quest Outstanding for the second time. Of the 706 leisure centres in the UK being independently inspected by Quest only 12 had achieved this rating, two of those 12 facilities being Tonbridge Swimming Pool and Larkfield Leisure Centre. This placed the Council's facilities in the top 2%. It was noted that in the Quest assessment of Tonbridge Swimming Pool, the inspectors made specific reference to the quality of engagement by the Borough Council, both by senior Members and officers.

Reference was made to the successful negotiation of a revised Service Fee with the Leisure Trust resulting in an annual saving of £150,000 with no reduction in service quality. Furthermore, the Trust was investing over £700,000 of their own money in new fitness facilities at Larkfield Leisure Centre, due to open this coming summer.

The Council's outdoor facilities continued to be improved through the success in securing external funding from developer contributions and grant sources. The improvements included path works, play facilities, planting and new wild flower areas at both of its Country Parks. This external investment had been significant and new exciting plans were now being developed for Leybourne Lakes Country Park with the intention of reducing the overall cost of this facility to the Council in the future.

General

The Leader concluded by referring to the period of snow earlier this year and the fact that the Council was open for business throughout. Whilst the snow prevented the collection of bins, there was a strong engagement with residents to keep them informed and a rapid recovery. The Council's offices were open daily as were its telephones and priority services were able to be delivered to those most in need. The Severe Weather Emergency Protocol was in place ensuring those without a place to sleep were given full support. The Council's investment in IT systems meant that its staff could work in a flexible way providing maximum services to the residents.

C 18/21 FEEDBACK FROM CONSULTATION ON THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2018 - 2023

Item LA 18/19 referred from Licensing and Appeals Committee minutes of 13 March 2018

RESOLVED: That the recommendations at Minute LA 18/19 be approved.

C 18/22 GENERAL DATA PROTECTION REGULATION SOFTWARE

Item CB 18/24 referred from Cabinet minutes of 20 March 2018

RESOLVED: That the recommendations at Minute CB 18/24 be approved.

C 18/23 PURCHASE OF TEMPORARY ACCOMMODATION

Item CB 18/25 referred from Cabinet minutes of 20 March 2018

RESOLVED: That the recommendations at Minute CB 18/25 be approved.

C 18/24 AUDIT COMMITTEE ANNUAL REPORT

Item AU 18/17 referred from Audit Committee minutes of 3 April 2018

RESOLVED: That the recommendations at Minute AU 18/17 be approved.

C 18/25 LOCAL CODE OF CORPORATE GOVERNANCE

Item AU 18/18 referred from Audit Committee minutes of 3 April 2018

RESOLVED: That the recommendations at Minute AU 18/18 be approved.

C 18/26 PROGRAMME OF MEETINGS 2018/19

The report of the Director of Central Services presented for consideration a draft proposed programme of meetings for 2018/19. Details of arrangements for the remainder of this year to the commencement of the municipal year 2020 were set out in the annex to the report. Particular attention was drawn to changes to the programme arising from the Waste Services Tender process, the revised Local Plan timetable and the decision to hold additional meetings of the Overview and Scrutiny Committee.

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

C 18/27 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 7.59 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 11th April, 2018

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr R P Betts, Cllr M A Coffin, 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, Cllr Miss S O Shrubsole 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 S R J Jessel (Vice-Chairman), Mrs S M Barker and Mrs S L Luck.

PART 1 - PUBLIC

AP2 18/1 DECLARATIONS OF INTEREST

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

AP2 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 13 December 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO COUNCIL

AP2 18/3 PROPOSED DIVERSION OF PUBLIC FOOTPATH MR218, STANSTED

Consideration was given to a request by Kent County Council for Tonbridge and Malling Borough Council to make an order under Section 257 of the Town and Country Planning Act 1990 to divert a public right of way (MR218 at Stansted) to enable development to take place.

Details of the length of footpath to be diverted and the proposed new route were illustrated in Appendix A to the report. An extract from the Definitive Map was attached at Appendix B to show the path in context with the rest of the public rights of way network.

Consultation had been carried out as required by the Act and it was reported that local County and Borough Councillors had raised no objection. Kent County Council was satisfied that all the legal tests had been met in that the Borough Council had granted planning permission

under Part III of the Town and Country Planning Act 1990 for development and that this section of MR218 would be adversely affected by the development.

RESOLVED: That an Order to divert public footpath MR218 at Stansted, as shown in Appendix A to the report, be made under Section 257 of the Town and Country Planning Act 1990 in order for development to be carried out.

***Referred to Council**

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

AP2 18/4 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 18/5 TM/17/03403/FL - PRUNELLE, CHURCH LANE, TROTTISCLIFFE

Addition to driveway to create a drive on drive off at Prunelle, Church Lane, Trottiscliffe.

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

The development, by virtue of the amount of hardstanding, the materials to be used and the limited opportunity to provide for soft landscaping within the site; combined with the prominence of the site due to land levels would cause visual harm to the appearance of the site and wider locality which is designated as an Area of Outstanding Natural Beauty. The development is therefore contrary to the requirements of CP7 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment DPD 2010 and paragraph 115 of the National Planning Policy Framework 2012.

[Speakers: Richard Wallis – Trottiscliffe Parish Council]

AP2 18/6 TM/17/03354/FL - THE OLD STABLE BUILDING, OLD PARSONAGE COURT, WEST MALLING

Single storey extension and roof alterations to porch at The Old Stable Building, Old Parsonage Court, 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

(1) Amended Conditions:

2. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority an updated arboriculture report that provided a survey of the trees on and adjacent to the site and a construction method statement for the development and tree protection measures in accordance with B.S.5837:2012 'Trees in relation to design, demolition and construction'. The development shall be carried out in strict accordance with the approved report.

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.

(2) Additional Condition:

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no further windows of similar openings shall be constructed in any elevation or roof slope of the extension hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

(3) Additional Informative:

1. With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. The applicant is also advised to not undertake construction works outside the hours of 0800 – 1800 Mondays to Fridays, 0800 – 1300 on Saturdays and to not undertake

works on Sundays, Bank or Public holidays. Furthermore, arrangements for the management of construction traffic to and from the site should be carefully considered in the interests of residential amenities.

[Speakers: Pauline Wilkinson and Simon Cook – members of the public and Joe Alderman – agent]

AP2 18/7 ALLEGED UNAUTHORISED DEVELOPMENT - 16/00337/USEH - OFFHAM SERVICE STATION, LONDON ROAD, ADDINGTON

The Director of Planning, Housing and Environmental Health reported the unauthorised use of land as a hand car wash and the associated provision of a portable cabin and portaloo used for staff facilities. This represented a material change of use of land without planning permission.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the cessation of the unauthorised use of land and the removal of the associated unauthorised structures, the detailed wording of which to be agreed with the Director of Central Services.

AP2 18/8 ALLEGED UNAUTHORISED DEVELOPMENT - 13/00128/USEM - KELLYS FARM, CROUCH LANE, BOROUGH GREEN

Members were advised of an unauthorised change in use of the site from agricultural to open storage of containers, vehicles and vehicle parts, caravan, building materials and rubble. This represented a change in use of the land without planning permission.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the cessation of the use of the site as open storage and to remove from the land all storage containers, vehicles and vehicle parts, caravans, building materials and rubble.

AP2 18/9 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 19th April, 2018

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 P F Bolt, Cllr T I B Cannon, Cllr Mrs F A Kemp, Cllr M R Rhodes, Cllr Miss G E Thomas, Cllr F G Tombolis and Cllr T C Walker

Councillors O C Baldock, Mrs P A Bates, V M C Branson, D J Cure, N J Heslop, D Lettington and Miss J L Sergison were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base, J L Botten, D Keers and M Taylor, Mr P J Drury and Mr D Still

PART 1 - PUBLIC

OS 18/8 DECLARATIONS OF INTEREST

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

OS 18/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 23 January 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 18/10 REVIEW OF CONSTITUTION

The Director of Central Services and Monitoring Officer presented the outcome of a detailed review of the operation of the Council's adopted Constitution and outlined a number of proposed revisions which aimed to ensure that all parts of the constitution were up-to-date and 'fit for purpose'. It was noted that the review had provided an opportunity to re-examine the format of the Constitution in order to avoid duplication and to present its contents in a more usable and understandable way. Members' attention was drawn to the revised Parts of the Constitution, set out at Annexes 2 to 7 of the report, and to the summary of key changes to the current constitution. Particular attention was drawn to 'Part 3 – Responsibility for Functions' which had been extensively reviewed and updated to provide greater clarity, avoid duplication and simplify references to generic powers rather than specifying particular sections of legislation. Members noted that further amendments to the

formatting of the document would be required prior to production of the final version.

Members acknowledged that the proposed changes would make the document more accessible to all users and would allow decisions to be made more efficiently. The comprehensive discussion of the report centred on two particular issues, firstly the addition of a provision requiring the agreement of the Chairman of an Area Planning Committee to a request from a Ward member that a Planning Application be 'called in' for consideration by the committee (Part 3: Responsibilities, Section 6 Functions Delegated to Officers, DPHEH 100(iv)(c) refers) and, secondly, the fifteen minute time limit on Member discussions at Council following the receipt of a petition (Part 4: Rules, Section 1 Council and Committee Procedure Rules, 5.17.6). In response to the concerns raised by Members in relation to the call-in of applications to the Area Planning Committee the Director of Central Services confirmed that further information on the rationale for the proposed changes would be included in the supporting papers when this matter was reported to Cabinet.

RECOMMENDED: That

(1) subject to further consideration of the points raised by Members, Cabinet be invited to approve (and thereafter recommend that Council adopt) the amended constitution as set out at Annexes 2 to 7 of the report; and

(2) authority be delegated to the Director of Central Services and Monitoring Officer to make any further changes to the formatting of the constitution as considered appropriate.

OS 18/11 SCRUTINY REVIEW WORK PROGRAMME - UPDATE

The report of the Chief Executive set out details of the Review Programme for the remainder of the calendar year. Members were advised that the meeting scheduled for 24 May 2018 would be preceded by a tour of the Gibson Building commencing at 6.30pm in the Civic Reception.

RESOLVED: That the report be received and noted

MATTERS FOR CONSIDERATION IN PRIVATE

OS 18/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.58 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 27th April, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and Cllr H S Rogers

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/34 DECLARATIONS OF INTEREST

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

LA 18/35 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 18/36 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 5/2018

(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 reminded that the application should have been considered on 6 April 2018 but that the Applicant had been unavailable on that date.

The Panel was advised that the DBS Certificate had disclosed that the Applicant had received a Caution dated 26 January 2010 for Assault occasioning actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act

1998). The Panel noted that the Applicant had declared the Caution on the questionnaire submitted with his application.
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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(3) 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; and

(4) that Section 12.3.2 of the Policy stated that an application would normally be refused where the Applicant has a conviction for an offence of Assault occasioning actual bodily harm and the conviction was less than 4 years prior to the date of application. Between 8 and 10 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.

The Panel listened carefully to the explanation given by the Applicant of the circumstances surrounding the Caution. The Panel felt that the applicant had conducted himself well over the last eight years since the incident giving rise to the Caution had occurred. The applicant's explanation of the incident and his acceptance of the caution was considered creditable and there were no other facts to the contrary. The Panel felt that the Applicant had presented himself well at the Hearing and was satisfied that he 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 GRANTED.

The meeting ended at 10.47 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 15th May, 2018

At the Statutory Annual Meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 15th May, 2018

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 M A C Balfour, Cllr M C Base, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, 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 S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr Miss G E Thomas, Cllr F G Tombolis and Cllr T C Walker

Apologies for absence were received from Councillors Mrs S M Barker, J L Botten, V M C Branson, L J O'Toole and B W Walker

PART 1 - PUBLIC

C 18/28 ELECTION OF MAYOR

It was proposed by Councillor N Heslop, seconded by Councillor Miss G Thomas and

RESOLVED: That Councillor Mrs P A Bates 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 her election.

C 18/29 VOTE OF THANKS TO RETIRING MAYOR

It was proposed by Councillor D Davis, 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 R W Dalton, had

performed his duties both in the Council Chamber and throughout the Borough during the preceding year.

C 18/30 ELECTION OF DEPUTY MAYOR

It was proposed by Councillor H Rogers, seconded by Councillor N Heslop and

RESOLVED: That Councillor Mrs J A Anderson 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 18/31 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 10 April 2018 be approved as a correct record and signed by the Mayor.

C 18/32 MAYOR'S ANNOUNCEMENTS

The Mayor reported that she had appointed the Reverend Neil Durling as her Chaplain and the Civic Service would be held at Tonbridge Baptist Church on Sunday 15 July. Her nominated charity was Tree of Hope which helped the families of children and young people with a disability or illness to raise the funds needed to pay for specialist care.

The Mayor indicated that her first two engagements were opening new offices at Tonbridge and Kings Hill. Her Garden Party would be held at Hadlow College on 19 July and details would be advised in due course of further fundraising events.

C 18/33 POLITICAL BALANCE ARRANGEMENTS

The report of the Director of Central Services and Monitoring Officer set out details of 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 18/34 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 P Montague - Housing
Councillor H Rogers – Strategic Planning and Infrastructure
The Economic Regeneration portfolio to be held by the Leader

C 18/35 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
(18 members)

Councillor Mrs J Anderson
Councillor M Base
Councillor P Bolt
Councillor J Botten
Councillor R Dalton
Councillor S Jessel
Councillor D Keers
Councillor Mrs F Kemp
Councillor Mrs S Luck
Councillor Mrs A Oakley
Councillor M Rhodes
Councillor Miss S Shrubsole
Councillor Ms S Spence
Councillor A Sullivan
Councillor M Taylor
Councillor Miss G Thomas
Councillor F Tombolis
Councillor T Walker

Licensing and Appeals Committee
(15 members)

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
(14 members)

Councillor O Baldock
Councillor M Balfour
Councillor Mrs S Bell
Councillor P Bolt
Councillor M Coffin
Councillor Mrs M Heslop
Councillor N Heslop
Councillor B Luker
Councillor D Markham
Councillor L O'Toole
Councillor S Perry
Councillor R Roud
Councillor C Smith
Councillor M Taylor

Audit Committee
(9 members)

Councillor O Baldock
Councillor R Betts
Councillor T Bishop
Councillor V Branson
Councillor T Edmondston-Low
Councillor B Elks
Councillor S Jessel
Councillor Mrs F Kemp
Councillor T Walker

Joint Standards Committee
(13 members + 6 parish members)

Councillor Mrs P Bates
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 Miss J Sergison
Councillor Miss S Shrubsole
Councillor C Smith
Councillor Miss G Thomas

(Parish members to be appointed from a pool of nominated representatives)

A Hearing Panel will be appointed from members of the Joint Standards Committee as necessary.

Area 1 Planning Committee

Councillor Mrs J Anderson
Councillor O Baldock
Councillor Mrs P Bates
Councillor P Bolt
Councillor J Botten
Councillor V Branson
Councillor D Cure
Councillor M Davis
Councillor T Edmondston-Low
Councillor B Elks
Councillor Mrs M Heslop
Councillor N Heslop
Councillor R Lancaster
Councillor M Rhodes
Councillor H Rogers
Councillor Miss J Sergison
Councillor C Smith
Councillor Ms S Spence
Councillor Miss G Thomas
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 M Balfour
Councillor Mrs S Barker
Councillor R Betts
Councillor M Coffin
Councillor S Jessel
Councillor Mrs F Kemp
Councillor Mrs S Luck
Councillor B Luker
Councillor P Montague
Councillor L O'Toole
Councillor S Perry
Councillor H Rogers
Councillor Miss J Sergison
Councillor T Shaw
Councillor Miss S Shrubsole
Councillor M Taylor

(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; Wateringbury; West Malling and Leybourne; and Wrotham, Ightham and Stansted)

Area 3 Planning Committee

Councillor M Base
Councillor Mrs S Bell
Councillor T Bishop
Councillor Mrs B Brown
Councillor T Cannon
Councillor R Dalton
Councillor D Davis
Councillor Mrs T Dean
Councillor S Hammond
Councillor D Keeley
Councillor D Keers
Councillor S King
Councillor D Lettington
Councillor D Markham
Councillor Mrs A Oakley
Councillor M Parry-Waller
Councillor R Roud
Councillor A Sullivan
Councillor B Walker
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 18/36 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:

COMMITTEE	CHAIRMAN	VICE-CHAIRMAN
Overview and Scrutiny Committee	Councillor A Sullivan	Councillor Mrs A Oakley Councillor F Tombolis
Licensing and Appeals Committee	Councillor Mrs J Anderson	Councillor D Keers

General Purposes Committee	Councillor O Baldock	Councillor L O'Toole
Audit Committee	Councillor V Branson	Councillor R Betts
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 B Luker
Area 3 Planning Committee	Councillor M Parry Waller	Councillor M Base
Parish Partnership Panel	Councillor N Heslop	Councillor M Coffin
Tonbridge Forum	Councillor N Heslop	Councillor C Smith
Communities and Housing Advisory Board	Councillor M Rhodes	Councillor Miss G Thomas
Economic Regeneration Advisory Board	Councillor B Luker	Councillor R Betts
Finance, Innovation and Property Advisory Board	Councillor M Base	Councillor R Lancaster
Planning and Transportation Advisory Board	Councillor D Davis	Councillor J Botten
Street Scene and Environment Services Advisory Board	Councillor M Davis	Councillor O Baldock
Electoral Review Working Group	Councillor N Heslop	Councillor D Lettington
Housing Associations Liaison Panel	Councillor P Montague	
Joint Employee Consultative Committee	Councillor M Coffin	Councillor B Luker
Joint Transportation Board	Chairmanship with KCC	Councillor H Rogers

C 18/37 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 Mrs A Oakley Councillor L O'Toole Councillor M Parry-Waller

	Councillor M Rhodes** Councillor T Shaw Councillor Miss G Thomas*
Economic Regeneration Advisory Board	Councillor R Betts* Councillor T Bishop Councillor J Botten Councillor T Cannon Councillor R Dalton Councillor S Hammond Councillor R Lancaster Councillor Mrs S Luck Councillor B Luker** Councillor L O'Toole Councillor Miss J Sergison Councillor Miss S Shrubsole Councillor C Smith Councillor F Tombolis Councillor B Walker Councillor T Walker
Finance, Innovation and Property Advisory Board	Councillor M Base** 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
Planning and Transportation Advisory Board	Councillor M Balfour Councillor Mrs S Barker Councillor P Bolt Councillor J Botten* Councillor V Branson Councillor D Davis** Councillor M Davis Councillor T Edmondston-Low 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 S Hammond Councillor D Keeley Councillor D Keers Councillor D Markham Councillor Mrs A Oakley 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 D Keeley Councillor P Montague** Councillor Mrs A Oakley Councillor Miss G Thomas
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
Chairmanship with KCC, Vice-Chairmanship with TMBC in 2018/19	Councillor D Lettington Councillor M Parry-Waller Councillor H Rogers* Councillor M Taylor

** Denotes Chairman
* Denotes Vice-Chairman

C 18/38 APPOINTMENT TO OUTSIDE BODIES

RESOLVED: That appointments to serve on outside bodies for the ensuing municipal year be made as follows:

NAME OF BODY	REPRESENTATIVE(S)
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	Vacancy
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
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 J Botten)
Rochester Airport Consultative Committee	Councillor A Sullivan
Rochester Airport Delivery Board	Councillor B Luker
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 O Baldock Councillor H Rogers Mr D Aikman Mr J Cannon
Lower Medway Internal Drainage Board	Councillor D Davis
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
West Kent Health & Wellbeing Elected Members' Forum	Councillor P Montague
Dry Hill Road Disabled Persons Trust	Councillor V Branson

C 18/39 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 18/40 PROGRAMME OF MEETINGS 2018/19

The programme of Council, Cabinet, Committee and Advisory Board and Panel meetings for the ensuing year and to May 2020 was presented for approval.

RESOLVED: That the programme of meetings be approved.

C 18/41 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 8.17 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 17th May, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr M A Coffin and Cllr R V Roud

Together with representatives of the Licensing Authority, Mr S Thomas (Solicitor to the Applicant), Mrs N Chaussy (Applicant), Mr J Patel (Operations Manager), Mr M Paget (Designated Premises Supervisor) and Mr D Mitchem and Mr S Richards on behalf of local residents.

PART 1 - PUBLIC

LA 18/37 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 18/38 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - THE FARMHOUSE, 97 HIGH STREET, WEST MALLING

The Panel gave consideration to an application made by Heritage Taverns Limited for a variation of the Premises Licence under section 34 of the Licensing Act 2003 in respect of the premises known as The Farmhouse, 97 High Street, West Malling. The application related to varying the timings authorised by the current licence for the sale 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 2 to the report and the written representations received during the statutory consultation period (as set out at Annex 4 to the report).

The Panel listened carefully to the representations made by Mr S Thomas, Solicitor, on behalf of the applicant, Heritage Taverns Limited, and to Mr D Mitchem and Mr S Richards on behalf of local residents.

The Panel was mindful of its obligations under section 35(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 35(4) as it considers appropriate for the promotion of the

licensing objectives. The Panel took into consideration chapters 2 and 9 of the guidance dated April 2018 provided by the Secretary of State under s.182 of the Licensing Act 2003 as well as the Council's own Statement of Licensing Policy.

The Panel took into account all of the representations from local residents regarding noise and the potential for increased public nuisance contrary to the licensing objectives. The Panel was also mindful of the applicant's stated objectives for the increase in hours, namely to increase its food-led business, in particular restaurant meals, and the consequence of this on the prevention of public nuisance objective.

The Panel was satisfied that the licensing objectives, and in particular the prevention of public nuisance, could be promoted by the imposition of conditions only.

RESOLVED: That the application to vary a 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 accompanying the application and to the following conditions:-

Section J	**Supply of alcohol for consumption both on and off the premises** Monday to Thursday from 08:00 hours until 00:00 hours Friday, Saturdays, Sundays preceding a Bank holiday and New Year's Eve from 08:00 hours until 00:30 hours.

Conditions:

1. The sale of alcohol after 23:30 hours must be limited to sales associated with the consumption of a substantial meal only.

2. No outside drinking will take place in front of the premises.

LA 18/39 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 2.54 pm
having commenced at 1 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Monday, 21st May, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr D Keers (Vice-Chairman), Cllr O C Baldock, Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr Mrs F A Kemp, Cllr H S Rogers and Cllr M Taylor

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

Apologies for absence were received from Councillors Mrs S M Barker, S M King, R V Roud and F G Tombolis

PART 1 - PUBLIC

LA 18/40 DECLARATIONS OF INTEREST

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

LA 18/41 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 13 March 2018 be approved as a correct record and signed by the Chairman.

LA 18/42 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 6 April and 27 April 2018 be received and noted.

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

LA 18/43 CONSULTATION FEEDBACK INTO DISCONTINUING THE PRIVATE HIRE PROBATIONARY LICENCES

Further to Minute LA 18/20, the report of the Director of Central Services and Monitoring Officer provided feedback from the consultation on the discontinuance of the Probationary Private Hire Licence programme. The report provided information on the current legislative framework, the number of applications for Probationary Badges, the ability of Mentors to train and oversee candidates together with a summary of the responses to the consultation undertaken between 16 March and 27 April 2018. It

was noted that current legislation stated that licenses should, as a general rule, be granted for three years and that there should not be a general policy that certain types of drivers should be granted licences for shorter periods of, say, 6 or 12 months. The legal implications of having such a policy were considered in the private part of the meeting (Minute LA 18/45 refers).

RESOLVED: That the Probationary Private Hire Driver's Licence be discontinued and a further iteration of the Hackney Carriage and Private Hire Policy be developed and reported to a future meeting of the Licensing and Appeals Committee.

LA 18/44 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 18/45 CONSULTATION FEEDBACK INTO DISCONTINUING THE PRIVATE HIRE PROBATIONARY LICENCES

(Reason: LGA 1972 Sch 12A Paragraph 5 – Legal Advice)

The Committee received legal advice on the implications of continuing with the current Probationary Private Hire Driver Licence programme.

RESOLVED: That the advice of the Director of Central Services and Monitoring Officer be noted.

The meeting ended at 8.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 24th May, 2018

Present: Cllr A K Sullivan (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr P F Bolt, Cllr J L Botten, Cllr R W Dalton, Cllr Mrs F A Kemp, Cllr M R Rhodes, Cllr M Taylor, Cllr Miss G E Thomas, Cllr T C Walker and Mr D Still (co-opted Member).

Councillors O C Baldock, Mrs P A Bates, M A Coffin, N J Heslop, D Lettington and P J Montague were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors D Keers, Mrs S L Luck, Miss S O Shrubsole and Mr P J Drury

PART 1 - PUBLIC

OS 18/13 DECLARATIONS OF INTEREST

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

OS 18/14 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 19 April 2018 be approved as a correct record and signed by the Chairman.

OS 18/15 APPOINTMENT OF CO-OPTED MEMBERS

RESOLVED: That pursuant to Article 6.05 of the Council's Constitution Mr P Drury and Mr D Still be co-opted to the Overview and Scrutiny Committee for the current municipal year.

DECISIONS TO BE TAKEN BY THE COMMITTEE

OS 18/16 REVIEW OF YOUTH ENGAGEMENT, SPORTS AND EVENTS DEVELOPMENT - SCOPING REPORT

The report of the Chief Executive established the parameters for the forthcoming review of Youth, Sports and Events Development for consideration.

It was reported that the three elements of the proposed review would cover services currently delivered by the Leisure Development Team

and would focus on engagement with young people and supporting leisure opportunities for them; developing, promoting, enabling and delivering sport and physical activities for residents within the Borough and how local and community events were delivered and supported.

Any risks associated with changes to the current service delivery arrangements would be identified in the report to the Overview and Scrutiny Committee in June.

Members welcomed the scope of the review and identified a number of areas to be explored further, with particular emphasis on value for money, duplication of services between organisations and the impact on social health and wellbeing. In addition, it was suggested that Kent Police be invited to comment on potential implications related to the Crime and Disorder Policy.

Finally, it was recognised that the review of these services would be borough wide and that all services provided should be for the benefit of all residents within the Borough.

RESOLVED: That the scope of the review of Youth, Sports and Events Development, as set out in the report, be endorsed.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 18/17 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

OS 18/18 REVIEW OF GIBSON BUILDING, KINGS HILL

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

The report of the Director of Central Services and Monitoring Officer provided an update on the review of the future use of the Borough Council's offices at Gibson Drive, Kings Hill and presented options for further consideration.

Particular reference was made to a number of restrictions within the Borough Council's freehold title to the property which needed to be discussed further with Kent County Council.

Members recognised the significant challenges represented by all of the potential options identified and supported the need for further in-depth

investigations, especially related to the ability of the Borough Council to deliver efficiency savings given the restrictions on its freehold title.

RESOLVED: That

(1) officers are authorised to pursue further discussions with Kent County Council with a view to determining the scope for amendment of the land transfer agreement dated 30 March 1990 and how this impacted upon the viability of the various options set out in the report; and

(2) a further report be submitted to the Overview and Scrutiny Committee in either August or October 2018 on the outcome of the discussions set out in (1) above.

The meeting ended at 8.40 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 30th May, 2018

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

PART 1 - PUBLIC

AP2 18/10 DECLARATIONS OF INTEREST

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

However, for reasons of transparency the following points were noted:

- Councillor Perry advised that the applicant of 5 Windmill Park, Wrotham Heath (TM/17/03399/FL) was the Chair of governors at his son's school.

- Councillor Taylor advised that he was the Chair of the Tonbridge and Malling branch of CPRE who had been a consultee on the applications at Barnfield Cottage, Stone Street Road (TM/17/01268/FL and TM/18/00396/FL).

As neither of these represented a Disclosable Pecuniary or Other Significant Interest there was no requirement for either Councillor to withdraw from the meeting.

AP2 18/11 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 11 April 2018 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 18/12 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 18/13 TM/17/01268/FL - BARNFIELD COTTAGE, STONE STREET ROAD, IVY HATCH

Part demolition and works for the conversion of the existing riding arena building as a dwelling with removal of sand school and associated external alterations to the building, engineering works, access, parking, landscaping and ecological enhancement works (Resubmission of TM/16/00776/FL) at Barnfield Cottage, Stone Street Road, Ivy Hatch.

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) Addition of informative:

10. The applicant is strongly encouraged to design the roof lights in such a way that incorporates internal blinds in order to minimise light spill from the building.

[Speakers: Elizabeth Moore, Gillian Jones, Deborah Champion, Conny Templeman, Janet Appleton, Paula Penn (Members of the Public) and John Collins (agent)]

AP2 18/14 TM/18/00396/FL - BARNFIELD COTTAGE, STONE STREET, ROAD, IVY HATCH

Re-development of the site comprising demolition of existing indoor riding arena, removal of an external sand school and the erection of a new two storey dwelling with associated engineering works, access, parking, landscaping and ecological enhancement works at Barnfield Cottage, Stone Street Road, Ivy Hatch.

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.

[To avoid accusations of pre-determination and bias arising from earlier comments, Councillor Taylor did not participate in the discussion and did not vote on this application]

[Speakers: Elizabeth Moore, Tim Champion, Conny Templeman and Janet Appleton (Members of the Public and John Collins (agent)]

AP2 18/15 TM/17/03399/FL - 5 WINDMILL PARK, WROTHAM HEATH

Proposed repitched roof with raised ridge height incorporating rooms in the roof space, demolition of existing garage, and construction of new extension at 5 Windmill Park, Wrotham Heath.

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: Wendy Palmer (Platt Parish Council); Mr Duff (Member of the Public) and Paul Vallance (applicant)]

AP2 18/16 ALLEGED UNAUTHORISED DEVELOPMENT - 18/00146/WORKM - LAND SOUTH WEST OF CLAYGATE HOUSE, WINFIELD LANE, BOROUGH GREEN

The report of the Director of Planning, Housing and Environmental Health provided details of the construction of a building within the site without planning permission.

Members were advised that the site was within the Metropolitan Green Belt and, in the absence of any evidence that the building was in use for agricultural purposes, the development was inappropriate and by definition harmful to the Green Belt. Its size and position within the site also caused material harm to the openness, along with harm to the rural amenities of the locality. No special circumstances had been identified to outweigh this harm.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised building, the detailed wording of which to be agreed by the Director of Central Services.

AP2 18/17 ALLEGED UNAUTHORISED DEVELOPMENT - 17/00314/WORKM & 17/00315/WORKM - LITTLEFIELDS, PLAXDALE GREEN ROAD, STANSTED

The Director of Planning, Housing and Environmental Health reported on the unauthorised erection of a summer house building and tree house/raised platform within the residential curtilage of the property.

Members were advised that retrospective planning permission for both the building and structure was refused under planning reference TM/18/00071/FL, under delegated powers on 18 April 2018, on the grounds that the height, size, scale and position would result in a highly visible and intrusive feature within the landscape and was inappropriate development within the Green Belt.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the development in its entirety (the unauthorised summer house and tree house/raised platform), the detailed wording of which to be agreed by the Director of Central Services.

AP2 18/18 ALLEGED UNAUTHORISED DEVELOPMENT - 17/00312/WORKH - THE SEEKERS TRUST, THE CLOSE, ADDINGTON

The Director of Planning, Housing and Environment Health reported the unauthorised construction of a single storey building for the keeping/rearing of fish for commercial purposes.

Retrospective planning permission for the building was refused under planning reference TM/18/0068/FL, under delegated powers on 18 April 2018, on the grounds that it was inappropriate development within the Green Belt and that its substantial size and scale, unsympathetic design and visibility within the Conservation Area would have a demonstrably harmful impact on the appearance and character of the area and visual amenity of the surrounding locality.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised single storey building, the detailed wording of which to be agreed by the Director of Central Services.

AP2 18/19 ALLEGED UNAUTHORISED DEVELOPMENT - 17/00077/LBH - FIVE POINTED STAR, 100 HIGH STREET, WEST MALLING

The Director of Planning, Housing and Environmental Health reported on the unauthorised construction of a pergola within the curtilage of a listed building.

Retrospective planning permission for the structure was refused under planning reference TM/17/01693/FL, under delegated powers on 9 May 2018, on the grounds of its excessive size, incongruous design and appearance and the specific siting was out of character with the listed

building to which it was attached. It also caused overt harm to the appearance and setting of the listed building and the Conservation Area.

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

AP2 18/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Wednesday, 6th June, 2018

Present: Cllr N J Heslop (Chairman), Cllr M A Coffin, Cllr Mrs M F Heslop, Cllr D Lettington and Cllr P J Montague

Councillors Mrs J A Anderson, O C Baldock, M C Base, R P Betts, D J Cure, Mrs A S Oakley, M R Rhodes, A K Sullivan and M Taylor were also present pursuant to Access to Information Rule No 22.

Apologies for absence were received from Councillor H S Rogers

PART 1 - PUBLIC

CB 18/38 DECLARATIONS OF INTEREST

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

CB 18/39 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 20 March 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 18/40 REVIEW OF THE CONSTITUTION

The report of the Director of Central Services and Monitoring Officer provided an update on the review of the Council's Constitution and addressed specific questions raised at the meeting of the Overview and Scrutiny Committee held on 19 April 2018.

Particular reference was made to concerns expressed about arrangements for call-in of planning applications by ward Members. In response, the specific delegation DPHEH 100 had been amended so that the relevant Area Planning Committee Chairman would be a consultee to any determination by the Director of Planning, Housing and Environmental Health as to whether the request for call-in was supported with a reasoned justification on planning grounds. It was also noted that the time limit for making a request for call-in had been amended to 21 days commencing on the date of notification of the application via List B. Members welcomed the changes and the opportunity for dialogue with the planning officers prior to any request for call-in although it was noted that the onus was on Members to trigger such dialogue.

At the meeting of the Overview and Scrutiny Committee the Leader had given an undertaking to allow further consideration of the question of removing the 15 minute time limit on debating petitions at Council meetings and for petitions to be debated in the first instance elsewhere than at full Council. Since the process for receiving and considering petitions was at the discretion of the Council, the draft petition scheme had been amended to allow for petitions with over 1500 signatures to be considered by either Council or Cabinet depending on whether the subject matter was an executive or Council function. Members endorsed this course of action and agreed that there should be no time limit on the overall debate of petitions, subject to a five minute limit on speeches by individual Members and the two petitioners whether at Council or Cabinet, with specific permission for non-executive Members to speak at Cabinet meetings during the debate on petitions.

RECOMMENDED: That

(1) the overall time limit for debate of petitions be removed, subject to a five minute limit on speeches by individual Members and two petitioners, and specific reference be made to the ability of both executive and non-executive Members to speak at Cabinet meetings when petitions are debated;

(2) the proposed revisions to the Constitution arising from the questions raised by the Overview and Scrutiny Committee, as set out in section 1.6 of the report, be approved;

(3) subject to (1) above, the amended Constitution at Annexes 1 to 6 of the report be adopted; and

(4) authority be delegated to the Director of Central Services and Monitoring Officer to make any further changes to the formatting of the Constitution as he considers appropriate.
***Referred to Council**

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

CB 18/41 REVENUE AND CAPITAL OUTTURN 2017/18

Decision Notice D180042CAB

CB 18/42 CORPORATE ENFORCEMENT POLICY

Decision Notice D180043CAB

MATTERS SUBMITTED FOR INFORMATION

CB 18/43 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.

Finance, Innovation and Property Advisory Board of 23 May 2018
Communities and Housing Advisory Board of 29 May 2018
Economic Regeneration Advisory Board of 4 June 2018

RESOLVED: That the report be received and noted.

CB 18/44 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.

Tonbridge Forum of 16 April 2018

RESOLVED: That the report be received and noted.

CB 18/45 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.

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

CB 18/46 LAND AT COMMERCIAL ROAD, TONBRIDGE

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

Decision Notice D180044CAB

The meeting ended at 8.28 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

Decision No: D180029MEM

Date: 23 May 2018

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.

The practice of advising organisations that there could be a reduction in the level of relief awarded in the future was endorsed. It was considered that the re-applications from the Tonbridge Juddians RFC and K Sports Management Limited should be deferred to enable a review of their accounts and level of business activity. A requirement for organisations to reapply every two years was generally favoured with the exception of scout/guides groups which were regarded as "de minimis" in terms of the level of relief awarded.

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

(1) consideration of the re-applications from the Tonbridge Juddians RFC and K Sports Management Limited be deferred pending receipt of their accounts and a review of the level of relief awarded;

(2) organisations generally be asked to reapply for relief every two years with the exception of scout/guides groups;

(3) subject to (1) and (2) above, 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 2018 and time limited to 31 March 2020 (with the exception of scout/guides groups which shall have no time limit); and

(4) the new applications for discretionary rate relief be determined as follows:

Ellenor, Part Unit 1e, Mereworth Business Centre, Danns Lane, Wateringbury – 20% discretionary rate relief be awarded, backdated to 1 April 2017 and time limited to 31 March 2020;

The Wheels on Debussy, 6 Angel Walk, Tonbridge – 100% discretionary rate relief be awarded, time limited to 31 March 2020.

[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 this item.]

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 23 May 2018.

Signed Cabinet Member for Finance, Innovation and Property	M Coffin
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	25 May 2018

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: D180030MEM

Date: 23 May 2018

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 2018. It also gave details of the variations agreed in relation to the revenue budget, summarised to provide an overall provisional budget outturn position for 2017/18 which showed a net favourable variance of £639,735, affording the opportunity to transfer £500,000 to the Property Investment Fund Reserve which would be considered by the Cabinet on 6 June. Regarding the Business Rates Retention Scheme for 2017/18 it was noted that, for the first time since the introduction of the scheme in 2013, the Council was above the baseline set.

Details were provided of variations identified through budget monitoring in respect of the first month of 2018/19 which showed a net favourable variance of £3,424. An update was also given on capital expenditure and variations agreed in relation to the capital plan for the year ended March 2018 and the month of April 2018.

Reference was made to correspondence from the Ministry of Housing, Communities and Local Government in respect of passing on local council tax support funding to parish and town councils together with the response submitted. The Leader updated the position on representations made to the Minister via the local Members of Parliament.

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 23 May 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	25 May 2018

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: D180031MEM

Date: 23 May 2018

Decision(s) and Reason(s)

Corporate Debt Recovery Policy

(Report of Director of Finance and Transformation)

The report gave details of the outcome of a review of the Council's Corporate Debt Recovery Policy and presented for approval an updated policy containing minor changes.

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

The revised Corporate Debt Recovery Policy set out at Annex 1 to the report be approved for publication on the Council's website.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 23 May 2018.

Signed Cabinet Member for Finance, Innovation and Property	M Coffin
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	25 May 2018

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: D180032MEM

Date: 23 May 2018

Decision(s) and Reason(s)

IT Strategy Update

(Report of Director of Finance and Transformation)

The report presented the draft IT Strategy for 2018 – 2022 setting out aims and ambitions at a high level for this period. It was noted that the new document set out strategic objectives which would be underpinned by projects to deliver those goals. Particular reference was made to the priorities of reviewing the business system, use of mobile devices, improvement of the website, customer service and transformation, and training for staff and Members.

Attention was drawn to a number of minor stylistic amendments made to the document following observations by the Chairman of the Advisory Board.

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

The IT Strategy for the period 2018 to 2022, as set out at Annex 1 to the report, be approved subject to action AP4 being strengthened to include the implementation of improvements in the website development plan.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 23 May 2018.

Signed Cabinet Member for Finance, Innovation and Property	M Coffin
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	25 May 2018

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: D180033MEM

Date: 23 May 2018

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 13 items shown in the schedule of amounts over £1,000, totalling £27,481.45 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 23 May 2018 (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:	25 May 2018

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:** D180034MEM

Date: 29 May 2018

Decision(s) and Reason(s)

Capital Plan Projects

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

The report provided an update on progress with a number of key projects contained in the Borough Council's Capital Plan. Particular reference was made to the increase of parking provision at Leybourne Lakes and Haysden Country Parks, the ventilation and boiler replacement at Larkfield Leisure Centre, the replacement of the sewage system at Haysden Country Park, path works at Tonbridge Cemetery, the refurbishment of the Tonbridge to Penshurst Cycle Route to the rear of Tonbridge Racecourse Sportsground and the installation of an active drainage system to improve the Rugby Pitch Drainage at Tonbridge Racecourse Sportsground. It was noted that a major part of the schemes would be funded through developer contributions, partnership arrangements and external sources.

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

The updates on the current Capital Plan, as set out in Annex 1 to the report, be noted.

In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules the Leader nominated the Cabinet Member for Housing to take this decision in the absence of the Cabinet portfolio holder (Community Services).

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 29 May 2018.

Signed Cabinet Member for Housing P Montague

Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	1 June 2018

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:** D180035MEM

Date: 29 May 2018

Decision(s) and Reason(s)

Tonbridge and Malling 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 set out details of its proposed Annual Service Delivery Plan for 2018/19.

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

(1) the Tonbridge and Malling Leisure Trust Annual Service Delivery Plan – Cumulative Quarterly Monitoring Report for the period 1 October to 31 December 2017, as set out at Annex 1 to the report, be noted; and

(2) the Tonbridge and Malling Leisure Trust draft Annual Service Delivery Plan for 2018/19, as shown at Annex 2 to the report, be approved.

In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules the Leader nominated the Cabinet Member for Housing to take this decision in the absence of the Cabinet portfolio holder (Community Services).

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 29 May 2018.

Signed Cabinet Member for Housing	P Montague
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	1 June 2018

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:** D180036MEM

Date: 29 May 2018

Decision(s) and Reason(s)

Tonbridge Cemetery Capacity Review

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

The report set out details of the findings of the extensive and comprehensive review of the capacity of Tonbridge Cemetery and future availability of grave spaces. It was noted that, through the utilisation of existing grave spaces, capacity was greater than originally anticipated and that there would be adequate provision until 2087.

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

(1) the outcome of the Tonbridge Cemetery Capacity Review be noted;

(2) the Council's IT Service progress the development of software to assist in the future management of the Cemetery and to ensure the continuing updating of capacity information; and

(3) liaison be undertaken with the Diocese of Rochester and Town and Parish Councils to progress the broader review of burial capacity within the Borough.

In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules the Leader nominated the Cabinet Member for Housing to take this decision in the absence of the Cabinet portfolio holder (Community Services).

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 29 May 2018.

Signed Cabinet Member for Housing	P Montague
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	1 June 2018

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:** D180037MEM

Date: 29 May 2018

Decision(s) and Reason(s)

Community Safety Partnership - Draft Partnership Plan 2018/19

(Report of Director of Central Services)

The Community Safety Partnership Plan 2018/19 was presented for consideration. The Plan provided details of the initiatives carried out during the previous year and set out the priorities for the forthcoming year.

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

The Community Safety Partnership Plan 2018/19, set out at Annex 1 to the report, be supported and endorsed.

In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules the Leader nominated the Cabinet Member for Housing to take this decision in the absence of the Cabinet portfolio holder (Community Services).

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 29 May 2018.

Signed Cabinet Member for Housing	P Montague
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	1 June 2018

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: D180038MEM

Date: 04 June 2018

Decision(s) and Reason(s)

West Kent Priorities for Economic Growth

(Report of Chief Executive)

The report set out a proposed structure and potential areas of focus for the refresh of the existing West Kent Priorities for Economic Growth 2015-2018 strategy document and sought views on future priority areas.

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

The proposed outline structure, objectives and priorities of the refreshed West Kent Priorities for Economic Growth Strategy, as set out in the report, be supported.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 4 June 2018.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 8 June 2018

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: D180039MEM

Date: 04 June 2018

Decision(s) and Reason(s)

Visit Kent Service Level Agreement 2018

(Report of Chief Executive)

The report provided information on tourism activity within Tonbridge and Malling in 2017/18 promoted through the annual Service Level Agreement between the Council and Visit Kent. Details of the proposed Agreement for 2018/19 were set out at paragraph 1.4 of the report.

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

(1) the proposal to continue the Service Level Agreement with Visit Kent in 2018/19 at the same level as 2017/18 (a maximum of £3,500) be agreed; and

(2) the inclusion of the activities set out at 1.4.2 of the report be agreed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 4 June 2018.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 8 June 2018

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: D180040MEM

Date: 04 June 2018

Decision(s) and Reason(s)

Business Rates Retention Pilot - Housing and Commercial Growth Fund

(Report of Chief Executive)

The report set out the background to the Business Rate Retention Pilot for Kent and Medway and highlighted the main components of the scheme. The report focused on local regeneration initiatives which could be funded from the Housing and Commercial Growth Fund element of the scheme.

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

The initial priorities, as set out at 1.2.5 and 1.2.6 of the report, be endorsed and further discussions within the West Kent Cluster Group be undertaken.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 4 June 2018.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 8 June 2018

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:** D180041MEM

Date: 05 June 2018

Decision(s) and Reason(s)

National Planning Policy Consultation Response

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

The key changes proposed in the recent consultations for a revised National Planning Policy Framework were summarised and endorsement of the response returned by the deadline of 10 May 2018 (attached as Annex 1 to the report) was sought.

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

The content of the report be noted and Annex 1 be endorsed as the Borough Council's formal response to the consultation.

[In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules the Leader nominated the Cabinet Member for Housing 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 5 June 2018.

Signed Cabinet Member for Housing	P Montague
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	8 June 2018

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: D180042CAB
Date: 06 June 2018

Decision(s) and Reason(s)

Revenue and Capital Outturn 2017/18

(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 2018 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 was within budget to the sum of £639,735, affording the opportunity to transfer £500,000 to the Property Investment Fund Reserve. After taking this into account, there was a favourable variance of £139,735 the principal reasons for which were explained. These included the fact that for the first time since the introduction of the Business Rates Retention Scheme, the Council was above the baseline set; overall housing benefit payments; and management savings on the salary bill, offset by the contribution to the above earmarked reserve and lower than budgeted performance in the major income streams.

In the context of the outturn, reference was made to current progress with the Council's Savings and Transformation Strategy, including the savings target of £1 million which remained unchanged.

The report also contained an annual Treasury Management and Investment Strategy review for 2017/18 as required by the adopted CIPFA Code of Practice.

The Cabinet resolved that:

(1) the Revenue and Capital Outturn for the year 2017/18 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 2017/18, 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: 8 June 2018

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: D180043CAB
Date: 06 June 2018

Decision(s) and Reason(s)

Corporate Enforcement Policy

(Report of Director of Central Services and Monitoring Officer)

The report indicated that a recent audit of risk management had identified a need for the Council to adopt a Corporate Enforcement Policy. A draft policy was presented which set out the broad principles to be applied by the Council in carrying out its regulatory activities and the way in which enforcement would be prioritised towards higher risk (or higher community impact) activities.

The Cabinet resolved that:

(1) the Corporate Enforcement Policy set out at Annex 1 to the report be adopted; and

(2) any amendments to the policy (to the extent they are necessitated by changes in legislation or national policy) be delegated to the Director of Central Services and Monitoring Officer.

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

Signed Chief Executive: J Beilby

Date of publication: 8 June 2018

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: D180044CAB
Date: 06 June 2018

Decision(s) and Reason(s)

Land at Commercial Road, Tonbridge

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

(Item FIP 18/26 referred from Finance, Innovation and Property Advisory Board minutes of 23 May 2018)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board minutes of 23 May 2018.

The Cabinet resolved that:

The recommendations of the Finance, Innovation and Property Advisory Board be approved as amended as follows:

The land be retained by the Council, the Director of Central Services be authorised to make an outline planning application for residential development and the plot be sold via public auction.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 23 May 2018 (contains exempt information).

Signed Chief Executive: J Beilby

Date of publication: 8 June 2018

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

LICENSING AND APPEALS PANEL

Friday, 8th June, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs F A Kemp and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/46 DECLARATIONS OF INTEREST

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

LA 18/47 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

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

LA 18/48 REVIEW OF A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 9/2018

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

The Panel was asked to consider whether the holder of a Probationary Private Hire Driver's Licence should have his licence suspended or revoked for failing to wear his driver's badge so that it was plainly and distinctly visible in contravention of s.54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976. The licence holder had been reported to the Panel following an enforcement exercise in Maidstone High Street at 02.40 hours on 22 April 2018 when he was found not wearing a driver's badge whilst working as a private hire driver and not in possession of a valid driver's badge.

The Panel found as a matter of fact that the badge holder's probationary private hire driver's licence had been extended for a further six months from 27 March 2018 at the request of his employer. The Panel found

that the driver had failed to collect his new badge from the Council's offices at Gibson Drive and had worked as a private hire driver between 27 March and 23 April 2018 on at least nineteen occasions without a valid driver's badge. The Panel was, therefore, satisfied that the badge holder had contravened s.54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The driver acknowledged that he had not picked up his badge from the Council's offices. He stated that he was aware that the new badge had been issued but had been unable to collect it because of difficult personal circumstances involving his children.

In its deliberations the Panel took into account Appendix G of the Council's Taxi Licensing and Enforcement Policy and Section 4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy. After careful consideration of the circumstances the Panel

RESOLVED: That

(1) the Driver be sent a formal warning letter; and

(2) the Driver be issued with 12 penalty points which will stay on his record for 24 months from the date of this Hearing.

The meeting ended at 10.50 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 8th June, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs F A Kemp and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/49 DECLARATIONS OF INTEREST

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

LA 18/50 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 18/51 REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – CASE NO 10/2018

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

The Panel was asked to consider whether the holder of a Private Hire Driver's Licence should have his licence suspended or revoked under s.61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 on the ground of any other cause, namely for using a mobile 'phone whilst driving. The licence holder had been reported to the Panel following an enforcement exercise in Maidstone High Street on 22 April 2018 when he was seen driving his private hire vehicle whilst using his mobile phone. The Panel was advised that this was a criminal offence under s.110 of the Road Vehicles (Construction and Use) Regulations 1986, attracting a fine of up to £1,000 and 3 to 6 penalty points.

The driver admitted that he had been using his mobile 'phone whilst driving and said that it was a mistake. He apologised to the Panel and promised not to make the mistake again.

The Panel found as a matter of fact that the driver had been using his mobile 'phone while driving and that he had expressed remorse. Nonetheless, the Panel made it clear to the licence holder that it took this matter extremely seriously and advised him that the Council was committed to ensuring the safety of the public and expected higher standards from its licensed drivers.

In its deliberations the Panel took into account Appendix G of the Council's Taxi Licensing and Enforcement Policy and Section 4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy. After careful consideration of the circumstances the Panel

RESOLVED: That

(1) the Private Hire Driver's Licence be suspended for a period of six months; and

(2) the Driver be issued with 12 penalty points which will stay on his record for 24 months from the date of this Hearing.

The meeting ended at 11.46 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 8th June, 2018

Present: Cllr Mrs F A Kemp (Chairman), Cllr M A Coffin and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/52 DECLARATIONS OF INTEREST

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

LA 18/53 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 18/54 REVIEW OF DUAL DRIVER'S LICENCE - CASE NO 12/2018

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

The Panel was asked to consider whether the holder of a Dual Hackney Carriage and Private Hire Driver's Licence should have his licence suspended or revoked under s.61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that he was playing loud music in his vehicle in contravention of the Council's Taxi Licensing and Enforcement Policy and had failed to co-operate with the Council's Senior Licensing Officer during an enforcement exercise in Maidstone High Street in the early hours of the morning of 22 April 2018.

The Director of Central Services and Monitoring Officer advised the Panel that he had received an email from the licence holder on 7 June requesting an adjournment of the Hearing on the ground that he only received the report to the Panel two days previously.

In the circumstances the Panel

RESOLVED: That consideration of Case No 12/2018 in respect of the review of Dual Hackney Carriage and Private Hire Driver's Licence Number 16/01351/DUALDL be DEFERRED to a meeting of the Licensing and Appeals Panel to be held on 22 June 2018.

The meeting ended at 12.01 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 15th June, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and Cllr M A Coffin

Together with representatives of the Licensing Authority, Mr D J House (Applicant), Mr F Prescott (former premises licence holder), Ms E Keefe (Planning Services) and Councillor M Base (Interested Party)

PART 1 - PUBLIC

LA 18/55 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 18/56 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE AT THE HENGIST VILLAGE RESTAURANT AND GARDENS, 7-9 HIGH STREET, AYLESFORD

The Panel gave consideration to an application made by Mr David John House under section 34 of the Licensing Act 2003 in respect of premises known as "Hengist Village Restaurant and Gardens" at 7-9 High Street, Aylesford. The application related to the variation of timings for the sale of alcohol authorised by a current licence.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 2 to the report and the written representations received during the statutory consultation period as set out at Annex 4 (General Representations) and Annex 5 (Responsible Authorities) to the report.

The Panel listened carefully to the representations made by Mr D House and Mr F Prescott in support of the application and by Councillor M Base (representing himself and other local residents who had made General Representations). The Panel also heard from Ms E Keefe, Development Control Manager (Responsible Authority).

The Panel was mindful of its obligations under section 35(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 35(4) as it considers appropriate for the promotion of the licensing objectives. The Panel took into consideration Chapters 2 and 9 of the guidance dated April 2018 provided by the Secretary of State under s.182 of the Licensing Act 2003 as well as the Council's own Statement of Licensing Policy.

The Panel took into account all of the representations from local residents, both written and oral, regarding noise and the potential for increased public nuisance contrary to the licensing objectives. The Panel was also mindful of the applicant's stated objectives for the increase in hours, namely to increase his business, in particular in relation to events, and of the consequences of this on the prevention of public nuisance objective. The Panel was satisfied that the licensing objectives were met.

The Panel suggested that the premises licence holder bear in mind the original conditions of the licence and planning permissions. The Panel recommended that steps be taken to improve the relationships within the village with residents who live near the Hengist Village Restaurant and Gardens.

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 application to vary a Premises Licence be granted subject to the mandatory conditions set out in the Licensing Act 2003, the Conditions shown at Annex 3 of the current licence issued on 16 April 2018 and to the following:-

Section J	**Supply of alcohol for consumption both on and off the premises –** Monday to Friday from 11:00 hours until 24:00 hours. Saturday and Sunday from 10:00 hours until 24:00 hours. New Year's Eve to extend the sale of alcohol until 2am with food.

LA 18/57 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 11.06 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 19th June, 2018

Present: Cllr D Keers (Vice-Chairman - in the Chair), Cllr M C Base, Cllr M A Coffin, Cllr B T M Elks, Cllr S M King, Cllr H S Rogers, Cllr M Taylor and Cllr F G Tombolis

Apologies for absence were received from Councillors Mrs J A Anderson (Chairman), O C Baldock, Mrs S M Barker, Mrs P A Bates and Mrs B A Brown

PART 1 - PUBLIC

LA 18/58 DECLARATIONS OF INTEREST

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

LA 18/59 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 21 May 2018 be approved as a correct record and signed by the Chairman.

LA 18/60 MINUTES OF PANEL

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee sitting as a Panel held on 17 May 2018 be received and noted.

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

LA 18/61 GAMBLING ACT 2005 - REVISED STATEMENT OF PRINCIPLES FOR GAMBLING

The report of the Director of Central Services and Monitoring Officer presented a revised Statement of Principles (Policy) for Gambling under the Gambling Act 2005 for the period 31 January 2019 to 30 January 2022. The draft statement had been prepared having regard to guidance from the Gambling Commission and the report highlighted the licensing objectives, the responsible authorities for the Borough and the process for consultation over a twelve week period and adoption of the new policy.

RESOLVED: That the draft policy set out at Annex 1 to the report be approved for consultation.

MATTERS SUBMITTED FOR INFORMATION

LA 18/62 CHANGES TO ANIMAL LICENSING LEGISLATION

The report of the Director of Central Services and Monitoring Officer advised that the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were due to come into force on 1 October 2018. The new legislation would introduce an updated licensing system for five activities involving animals, requiring businesses undertaking such activities to meet modern minimum animal welfare standards. It was noted that a more detailed report would be considered at the next meeting following the issue of government guidance on the new licensing system.

RESOLVED: That the report be received and noted.

LA 18/63 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.51 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 21st June, 2018

Present: Cllr A K Sullivan (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr P F Bolt, Cllr J L Botten, Cllr D Keers, Cllr Mrs F A Kemp, Cllr Mrs S L Luck, Cllr M R Rhodes, Cllr Miss S O Shrubsole, Cllr Ms S V Spence, Cllr M Taylor, Cllr Miss G E Thomas, Cllr T C Walker and Mr D Still

Councillors O C Baldock, M A Coffin, D J Cure, Mrs M F Heslop, N J Heslop and B W Walker were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

OS 18/19 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, in the interest of transparency, Councillor Ms Spence advised that she was a member of the Tonbridge Town Team and Councillor Coffin advised that he provided fireworks to events held at Tonbridge Castle.

OS 18/20 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 24 May 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 18/21 REVIEW OF YOUTH ENGAGEMENT, SPORTS AND EVENTS DEVELOPMENT

The report of the Director of Street Scene, Leisure and Technical Services presented a review of the Council's approach to youth engagement, sports and events development which focused on the costs and benefits of these three discretionary service areas, suggested a number of improvements for future service delivery and identified potential savings which could contribute to the Council's Savings and Transformation Strategy. The Committee was reminded of the scope of the review which had included an assessment of whether the activities funded by allocated revenue budgets continued to provide value for money, explored partnership opportunities and sought assurance that

there was no duplication of service, demonstrated links to the Council's key priorities and examined the potential scope to generate external funding to help support services and reduce overall costs. In order to assist Members in the evaluation of each service area Annexes 1 to 3 of the report outlined the purpose of each service, current delivery arrangements, partnership involvement and the allocation of resources. An assessment of value for money, associated risks, suggested way forward and potential associated savings were also provided. A report from the Town Team on the management of events in Tonbridge, details of event management, youth and play development and sports development expenditure 2017/18, comments received from the Tonbridge and Malling Community Safety Partnership and a list of schools involved in the Youth Forum were circulated at the meeting.

During consideration of the report a number of additional issues were raised and it was suggested that Cabinet be invited to consider the following:-

(1) that additional income generating opportunities be explored to include the potential to re-charge licensing costs to organisers of commercial events and the potential introduction of an administration fee for community events on Council land dependent on, and related to, the scale;

(2) that the proposal put forward by the Tonbridge Town Team to establish a joint working group to help co-ordinate and develop events be investigated;

(3) that a further review of the costs and benefits of marketing and publicity activities across all Council services be undertaken by the Overview and Scrutiny Committee with a view to reducing such costs where possible;

(4) that wider use of social media to promote youth activities be encouraged;

(5) that a wider participation of schools across the Borough in the Youth Forum be promoted via the Enterprise Advisor Network; and

(6) that a report be made to the Communities and Housing Advisory Board in one year's time to update on progress made in relation to the recommendations arising from the Review of Youth Engagement, Sports and Events Development.

The Committee concluded that the services supported the Council's key priorities, offered value for money, attracted investment into the Borough and, in addition to a direct level of income, provided broader economic, health and social benefits. It was, therefore

RECOMMENDED: That

(1) the contribution made by the Council's delivery of Youth Engagement, Sports and Events Services to the achievement of its strategic objectives be acknowledged;

(2) the suggested changes to the existing delivery arrangements, as outlined in the report and at Annexes 1 to 3, be agreed; and

(3) the associated savings of £14,940 to the Council's Annual Revenue Budget be included and reflected in the 2018/19 Revised Revenue Budgets.

DECISIONS TAKEN BY THE COMMITTEE

OS 18/22 PROVISION OF PUBLIC CONVENIENCES - SCOPING REPORT

The report of the Director of Street Scene, Leisure and Technical Services set out the basis of a review of the Council's provision of public conveniences. It was reported that the review would incorporate a detailed audit of existing provision and examine alternative options to ensure that future service delivery met an identified need and was as cost effective as possible. Members requested that the use of public conveniences by lorry and taxi drivers be included in the factors to be taken into account (as set out at paragraph 1.2.2 of the report) when assessing current usage. With regard to the Options to be included in the review as set out at paragraph 1.4.1 of the report, the Committee supported items (ii) to (vi), subject to the expansion of (v) to include the Leisure Trust and Kent County Council.

RESOLVED: That

(1) a detailed audit of the Council's current provision of public conveniences be progressed;

(2) the exclusion of option (i) and inclusion of options (ii) to (vi) as set out in sub-section 1.4 of the report be confirmed;

(3) a full review of the Council's future provision and delivery of public conveniences be progressed; and

(4) a report on the outcome of the review be presented to the meeting of the Overview and Scrutiny Committee to be held on 18 October 2018.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 18/23 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.05 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 22nd June, 2018

Present: Cllr M A Coffin (Chairman), Cllr O C Baldock and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority and Kent County Council.

PART 1 - PUBLIC

LA 18/64 DECLARATIONS OF INTEREST

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

LA 18/65 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 18/66 REVIEW OF PRIVATE HIRE OPERATOR'S LICENCE – CASE NO 11/2018

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

The Panel was asked to consider whether any action should be taken against a current Private Hire Operator following the receipt of information from Kent County Council that a driver had been sent to carry out a school run but had been unable to produce a private hire driver's licence when challenged by a KCC School and Client Transport Inspector.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer, the statement made by the KCC School and Client Transport Officer (as set out at Annex 2 to the report) and the Tonbridge and Malling Hackney Carriage and Private Hire Licensing Policy in respect of private hire operators. The Panel noted that the

Policy required that an Operator should ensure that every driver engaged by him had obtained a private hire driver's licence from the same Licensing Authority which had issued the private hire operator's licence and that the driver wore the badge in a conspicuous place at all times whilst available for bookings.

The Panel listened carefully to the explanation of the circumstances which had led to the Operator allowing an unlicensed driver to carry out a school run. The Operator explained that he believed that his driver did have the appropriate driver's licence but had subsequently realised that he had confused a driver's carer's badge with a driver's badge issued by the Council and had, therefore, made a mistake. The Operator further explained that, due to a family bereavement, the usual office administrator had been absent and that this had contributed to the error.

The Panel was satisfied that the licence holder had operated a vehicle as a private hire vehicle when the driver of that vehicle did not have a current private hire vehicle driver's licence in contravention of s.46(1)(e)(ii) of the Local Government (Miscellaneous Provisions) Act 1976 and, on that basis, found that it was appropriate to suspend his private hire operator's licence. The Panel, therefore

RESOLVED: That Private Hire Operator's Licence Number 171 OPER be suspended for 1 month.

The meeting ended at 11.01 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 22nd June, 2018

Present: Cllr M A Coffin (Chairman), Cllr O C Baldock and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority and Kent County Council.

PART 1 - PUBLIC

LA 18/67 DECLARATIONS OF INTEREST

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

LA 18/68 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 18/69 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 14/2018

(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 Kent County Council that the Applicant had been driving a private hire vehicle in order to carry out a school contract without a private hire driver's licence.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer, the statement made by the KCC School and Client Transport Inspector (as set out at Annex 2 to the report) and the Tonbridge and Malling Hackney Carriage and Private Hire Licensing Policy. The Panel gave careful consideration to the representations made by the Applicant and his Mentor in respect of the circumstances

which had led the Applicant to drive a licensed vehicle whilst being unlicensed. The Applicant acknowledged that he had driven a private hire vehicle and admitted that he had made a mistake. He apologised to the Panel for that mistake and informed them that, as soon as he realised that he did not hold the appropriate licence, he had made it clear that he would not carry out any more private hire work. The Panel noted that the Applicant had considerable experience in the motor trade and had worked as a driver for a supermarket chain for a number of years and also drove for a charity. The Panel accepted that the Applicant had a clean record and had shown remorse for his mistake. In the circumstances the Panel was satisfied that the Applicant was a 'fit and proper' person to hold a Probationary Private Hire Driver's Licence. For these reasons, therefore, the Panel

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

The meeting ended at 12.08 pm
having commenced at 11.15 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 22nd June, 2018

Present: Cllr M A Coffin (Chairman), Cllr O C Baldock and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/70 DECLARATIONS OF INTEREST

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

LA 18/71 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 18/72 REVIEW OF DUAL DRIVER'S LICENCE - CASE NO 12/2018

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

The Panel was asked to consider whether the holder of a Dual Hackney Carriage and Private Hire Driver's Licence should have his licence suspended or revoked under s.61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that he was playing loud music in his vehicle in contravention of the Council's Taxi Licensing and Enforcement Policy and had failed to co-operate with the Council's Senior Licensing Officer during an enforcement exercise in Maidstone High Street in the early hours of the morning of 22 April 2018.

The Director of Central Services and Monitoring Officer advised the Panel that he had received an email from the licence holder on 21 June requesting an adjournment of the Hearing on the ground that he was ill and had a 'Sick Note'.

In the circumstances the Panel

RESOLVED: That consideration of Case No 12/2018 in respect of the review of Dual Hackney Carriage and Private Hire Driver's Licence Number 16/01351/DUALDL be DEFERRED to a meeting of the Licensing and Appeals Panel to be held on 25 July 2018.

The meeting ended at 12.32 pm
having commenced at 12.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 25th June, 2018

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

Councillors Mrs J A Anderson, Mrs S M Barker, M C Base, Mrs P A Bates, R P Betts, T I B Cannon, D J Cure, D A S Davis, S R J Jessel, Mrs F A Kemp, D Lettington, Mrs S L Luck, P J Montague, Mrs A S Oakley, M Parry-Waller, M R Rhodes, H S Rogers, Miss J L Sergison, Miss S O Shrubsole, A K Sullivan, Miss G E Thomas and T C Walker 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, D Markham and S C Perry

PART 1 - PUBLIC

GP 18/9 DECLARATIONS OF INTEREST

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

GP 18/10 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 29 January 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 18/11 HUMAN RESOURCES STRATEGY UPDATE

The report of the Director of Central Services reminded Members that the Human Resources Strategy (HR Strategy) provided an overview of the Council's approach to managing its employees and that it was updated annually to identify "improvement priorities". The updated HR Strategy, set out at Annex 1 to the report, listed progress against the improvement priorities identified for April 2017 to March 2018, identified actions to be implemented between April 2018 and March 2019 and reported the outcome of equality monitoring of staffing issues in 2017/18 required under the Equality Act 2010.

RECOMMENDED: That the outcomes of the equality monitoring set out in Section 4 of the HR Strategy be noted and the actions listed in

Section 5 of the strategy (Workforce Development Plan April 2018 – March 2019) be commended for adoption by the Council.
***Referred to Council**

GP 18/12 INVESTIGATORY POWERS COMMISSIONER'S OFFICE INSPECTION REPORT - THE REGULATION OF INVESTIGATORY POWERS ACT 2000

The Director of Central Services advised that, in order to ensure that public authorities carried out covert activities in a lawful manner, the Investigatory Powers Commissioner's Office (IPCO) conducted regular reviews of the Council's policies and procedures. Annex 1 to the report set out details of a recent, telephone-based, review undertaken by the Assistant Surveillance Commissioner, His Honour Brian Barker. The Assistant Surveillance Commissioner's report had recommended a number of minor amendments to the Corporate Surveillance Guidance, the inclusion of advice on the use of social media and recognised the need to update officers and provide training as a priority.

RECOMMENDED: That

(1) the Inspection report of the Assistant Surveillance Commissioner be noted; and

(2) the revised Corporate Surveillance Guidance, set out in Annex 2 to the report, be commended for adoption by the Council.

***Referred to Council**

MATTERS SUBMITTED FOR INFORMATION

GP 18/13 HEALTH AND SAFETY ANNUAL REPORT 2017/18

Annex 1 to the report of the Director of Planning, Housing and Environmental Health set out the Annual Health and Safety Report 2017/18. Attention was drawn to the summary of key achievements in 2017/18, the establishment of a Corporate Health and Safety Group and to the key priorities for 2018/19.

RESOLVED: That the Annual Health and Safety Report 2017/18 be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 18/14 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

GP 18/15 ESTABLISHMENT CHANGES

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

The report of the Director of Central Services set out for approval a number of establishment changes arising from the ongoing operational management of the Council's services.

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

(1) the saving of £5,812 arising from the re-designation and re-grading of post DC0405 Head of Electoral and Democratic Services M5 to Head of Electoral Services M6 be ring fenced pending further adjustments to the Establishment in Central and Executive Services;

(2) the options for a shared Business Rates resource, funded from the ring fenced saving approved at the General Purposes Committee on 29 January 2018, be explored with Gravesham Borough Council;

(3) as previously endorsed by Management Team, a 12 month fixed term contract of Special Projects Officer scale 5/6 be created in the Revenue and Benefits Team with effect from 1 May 2018 funded from the Transformation Reserve;

(4) Internal Auditor post DF0804 be re-designated and re-graded Senior Internal Auditor scale 6/SO (from Internal Auditor scale 2/6) with immediate effect;

(5) Internal Auditor post DF0805 be deleted with immediate effect and replaced by a temporary staff provision; and

(6) Fraud Officer post DF0602 scale 4/6 be deleted and replaced with a new Fraud/Audit Assistant post scale 2/4 37 hours per week, with immediate effect.

GP 18/16 WASTE AND STREET SCENE SERVICES

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

The report of the Director of Street Scene, Leisure and Technical Services set out details of a number of permanent and temporary staffing changes in the Waste and Street Scene Services to reflect the departure of the Head of Waste and Street Scene, the retendering of the Waste Contract and the on-going requirement to deliver the existing contract to an acceptable standard.

RESOLVED: That

(1) a new post of Head of Street Scene and Leisure graded M4 be established with immediate effect;

(2) the existing posts of Head of Leisure Services (DG0004) and Head of Waste and Street Scene (DG0006) be deleted from the establishment with immediate effect;

(3) the existing holder of post DG0004 be transferred into the new post of Head of Street Scene and Leisure with immediate effect;

(4) the temporary staffing arrangements approved by Management Team be noted; and

(5) the longer term saving accruing from the proposals be ring-fenced to enable a further review of the staff structure in the future.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Monday, 25th June, 2018

At the extraordinary meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 25th June, 2018

Present: Her Worship the Mayor (Councillor Mrs P A Bates), the Deputy Mayor (Councillor Mrs J A Anderson), Cllr O C Baldock, Cllr Mrs S M Barker, Cllr M C Base, Cllr R P Betts, Cllr P F Bolt, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr Mrs F A Kemp, 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 M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr A K Sullivan, Cllr M Taylor, Cllr Miss G E Thomas and Cllr T C Walker

Apologies for absence were received from Councillors M A C Balfour, Mrs S Bell, T Bishop, V M C Branson, Mrs B A Brown, R W Dalton, M O Davis, S M Hammond, D Keers, R D Lancaster, D Markham, S C Perry, T B Shaw, Ms S V Spence, F G Tombolis and B W Walker

PART 1 - PUBLIC

C 18/42 DECLARATIONS OF INTEREST

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

C 18/43 EXCLUSION OF PRESS AND PUBLIC

The Mayor moved, it was seconded and

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

PART 2 - PRIVATE

C 18/44 APPOINTMENT OF NEW DIRECTOR OF PLANNING, HOUSING AND ENVIRONMENTAL HEALTH

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

The report of the Chief Executive set out details of the arrangements to be made for the appointment to the vacancy created by the forthcoming retirement of the Director of Planning, Housing and Environmental Health.

RESOLVED: That a Panel of Members composed of Councillors O Baldock, M Coffin, P Montague, Mrs A Oakley and H Rogers be appointed to make the appointment to fill the vacancy in the post of Director of Planning, Housing and Environmental Health.

C 18/45 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 8.16 pm
having commenced at 8.12 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 4th July, 2018

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

PART 1 - PUBLIC

AP2 18/21 DECLARATIONS OF INTEREST

Councillor Luker (Vice-Chairman) declared an Other Significant Interest in item 18/00126/WORKM (Stables at Leybourne Park Farm) on the grounds that the owner of the site was known to him. To avoid potential bias he withdrew from the meeting and took no part in the discussion on this matter.

AP2 18/22 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 30 May 2018 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 18/23 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 18/24 TM/18/00595/FL - G B TATHAM AND CO LTD, 9 WILLOW WENTS, MEREWORTH

Demolition of existing office/workshop building and erection of 4 no. houses at G B Tatham and Co Ltd, 9 Willow Wents, Mereworth.

RESOLVED: That planning permission be DEFERRED for a Members' Site Inspection on the grounds that the proposal raised specific matters in respect of site characteristics, the importance of which could only be established by means of a site inspection.

[Speaker: Andrew Wells – Mereworth Parish Council; Alison Currie, Steve Dunn, Richard Jones and Michael Chesterton – members of the public]

AP2 18/25 ALLEGED UNAUTHORISED DEVELOPMENT 18/00141/COM - 46 FARTHERWELL AVENUE, WEST MALLING

The Director of Planning, Housing and Environmental Health reported unauthorised development regarding the failure to provide car parking spaces within the front curtilage to serve 46 Fatherwell Avenue in accordance with the approved plans and as required by planning condition. (Condition 5 of planning permission TM/16/01277/FL)

RESOLVED: That an Enforcement Notice BE ISSUED to require the development to be laid out in accordance with plan number 016-003/007 Rev. B insofar as it related to the provision of parking spaces to serve the development, the wording of which to be agreed by the Director of Central Services.

AP2 18/26 ALLEGED UNAUTHORISED DEVELOPMENT 18/00126/WORKM - STABLES AT LEYBOURNE PARK FARM, PARK ROAD, LEYBOURNE

The report of the Director of Planning, Housing and Environmental Health set out details of unauthorised development at the site which involved engineering and other operations, regrading of land, formation of bunds and appeared to be in connection with the laying of new road surfaces and/or areas of hardstanding.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised roadway, hard surfacing and earth bunds and the reinstatement of the land to its former condition, the detailed wording of which to be agreed by the Director of Central Services.

AP2 18/27 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 23rd July, 2018

Present: Cllr V M C Branson (Chairman), Cllr R P Betts (Vice-Chairman), Cllr O C Baldock, Cllr T Bishop and Cllr Mrs F A Kemp

Grant Thornton, External Auditors: Mr C McLaughlin (Director) and Mr A Ayre (Manager)

Councillors M A Coffin and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AU 18/28 DECLARATIONS OF INTEREST

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

AU 18/29 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 3 April 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

AU 18/30 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT FOR 2017/18

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April to June of the current financial year within the context of the national economy. The treasury management outturn position for 2017/18 was also presented.

The report provided a commentary on investments derived from cash flow surpluses, core cash balances and other long term cash balances and it was noted that long term investment at the end of June 2018 comprised £4m in property fund investment. A further £1m was placed in a property fund on 2 July 2018 bringing the Council's total property fund investment to £5m. A full list of investments held on 30 June 2018 was set out at Annex 2 to the report.

RECOMMENDED: That the following be commended to the Council:

(1) the action taken by officers in respect of treasury management activity for April to June 2018 be endorsed;

(2) the £5m in property fund investments undertaken since June 2017 be noted; and

(3) the 2017/18 outturn position be noted.
***Referred to Council**

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

AU 18/31 RISK MANAGEMENT UPDATE

The report of the Management Team provided an update on the risk management process and the Strategic Risk Register, adopted by the Council on 20 February 2018, was set out at Annex 1 to the report. The emergence of a new strategic risk concerning the procurement of the Waste/Recycling Contract was noted.

Members were advised that, as part of the insurance package, funding was set aside by the Council's insurers to deliver training and projects associated with risk management to all Members, and particularly to those serving on the Audit Committee. The Committee acknowledged that training in risk management was essential for all Members.

RESOLVED: That

(1) the emergence of a new strategic risk in respect of the procurement of the Waste/Recycling Contract and its inclusion on the Strategic Risk Register be noted; and

(2) an interactive workshop on the topic of risk management be held for Members during the coming months, the final details for which to be agreed with the Chairman of the Audit Committee.

AU 18/32 ANNUAL GOVERNANCE STATEMENT 2017/18

The report of the Director of Finance and Transformation presented the Annual Governance Statement for the year ended 31 March 2018 which was required to be certified by both the Leader of the Council and the Chief Executive to accompany the Council's Statement of Accounts 2017/18.

The Annual Governance Statement had been prepared by way of a self-assessment questionnaire and supporting evidence and was intended to

demonstrate that there was a sound system of corporate governance in place throughout the organisation.

RESOLVED: That the Annual Governance Statement for the year ended 31 March 2018, as set out at Annex 1 to the report, be endorsed.

AU 18/33 STATEMENT OF ACCOUNTS AND EXTERNAL AUDITORS REPORT ON THE OUTCOME OF THE AUDIT OF THE STATEMENT OF ACCOUNTS

The report of the Director of Finance and Transformation presented an audited set of Accounts for 2017/18 in the format specified by the Code of Practice on Local Authority Accounting in the United Kingdom 2017/18. The Annual Governance Statement (referred to at Minute AU 18/32) accompanied the Statement of Accounts.

The Committee was reminded that responsibility for approval of the Statement of Accounts was delegated to the Audit Committee under the Council's constitutional arrangements and advised that the external auditor's report on the outcome of the audit of Accounts was set out at Annex 3 to the report.

A supplementary report had been published prior to the meeting advising that, as part of the final Audit process, it had been found that some of the information supporting the calculation of some of the Council Assets could not be fully supported and that this had resulted in a downward valuation of around £2.9m on these assets. Attention was drawn to the changes required to the Financial Statements circulated with the agenda papers which would allow the Financial Statements to be fully signed off. It was, therefore

RESOLVED: That

(1) the Statement provided by the Director of Finance and Transformation in support of assertions made in the Statement of Responsibilities for the Statement of Accounts, as set out at Annex 2 to the report, be noted;

(2) authority be delegated to the Chairman and the Director of Finance and Transformation to approve the Final Audit Findings Report from Grant Thornton and be authorised to sign these Accounts in the appropriate place following the approval of the changes proposed;

(3) subject to any further clarification from Grant Thornton on the matters contained in the supplementary report, the Audit Findings Report on the outcome of the audit of the Statement of Accounts for 2017/18, as set out at Annex 3, be approved; and

(4) 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 4, when Grant Thornton are ready to issue their opinion.

AU 18/34 REVIEW OF EFFECTIVENESS OF INTERNAL AUDIT

The report of the Chief Audit Executive informed the Committee of the findings of the annual review of the effectiveness of the Internal Audit function. Members were advised that the Management Team had concluded that the opinion on the effectiveness of the Internal Audit function in place for the year 2017/18 was Good.

RESOLVED: That on the basis of the findings of the review, the opinion that the effectiveness of Internal Audit function for the year 2017/18 was Good be endorsed.

MATTERS SUBMITTED FOR INFORMATION

AU 18/35 OPINION OF CHIEF AUDIT EXECUTIVE ON INTERNAL CONTROL ENVIRONMENT, ANNUAL INTERNAL AUDIT REPORT AND ANNUAL COUNTER FRAUD REPORT FOR 2017/18

The report informed the Committee of the opinion of the Chief Audit Executive on the Council's framework for governance, risk management and control together with the Internal Audit work completed during 2017/18 to support that opinion. The report also informed the Committee of the work carried out by the Counter Fraud function in 2017/18.

In response to Members' concerns regarding duplicate invoicing, Officers advised that the controls in place to manage duplicate payments would be reviewed as part of the Creditors audit.

RESOLVED: That the report be received and noted.

AU 18/36 NATIONAL FRAUD INITIATIVE 2018/19 EXERCISE

The report of the Director of Finance and Transformation set out details of the Proposed Work Programme and Scale of Fees in respect of the National Fraud Initiative 2018/19 exercise.

RESOLVED: That the report be received and noted.

AU 18/37 AUDIT FEE LETTER 2018/19

The Director of Finance and Transformation reported receipt of the Audit Fee Letter for 2018/19 from Grant Thornton which gave details of the Council's audit fee of £35,248 (which represented a reduction of 23% compared to the fees applied for 2017/18) together with the scope and

timing of audit work and the audit team. A fee of £10,000 for housing benefit subsidy certification work had been agreed separately subject to the completion of the 'workbooks' resting with the Council and a variable fee for any additional testing required.

RESOLVED: That the report be received and noted.

AU 18/38 A COUNCILLOR'S WORKBOOK ON BRIBERY AND FRAUD PREVENTION

The report of the Director of Finance and Transformation provided details of the Local Government Association's Councillor's Workbook on Bribery and Fraud Prevention which included information of the role of the Audit Committee in anti-fraud and corruption activity. The Committee requested that a copy of the workbook be provided to all Members of the Council.

RESOLVED: That the report be received and noted

AU 18/39 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.33 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS

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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

LICENSING AND APPEALS PANEL

Wednesday, 25th July, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/73 DECLARATIONS OF INTEREST

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

LA 18/74 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 18/75 REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – CASE NO 15/2018

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

The Panel was asked to consider whether any action should be taken against a current holder of a Hackney Carriage Driver's Licence who had failed to accept penalty points for failure to comply with a requirement of an authorised officer of the Council or police officer and failure to display insignia on exterior of the two front doors of the vehicle.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer and to Sections 4.8.1, 14.9.1 and 16.5.1 of the Tonbridge and Malling Hackney Carriage and Private Hire Licensing Policy.

The Panel listened carefully to the representations made by the Driver but found that he had contravened Section 61 of the Local Government (Miscellaneous Provisions) Act 1976. The Panel was satisfied that the Driver had failed to meet with Council Officers when required to do so and had failed to accept or respond to the offer of penalty points on his licence.

For these reasons the Panel, therefore

RESOLVED: That Hackney Carriage Driver's Licence Number 17/01915/HCDL (Badge No: 343) be suspended for a period of two weeks and 12 penalty points be added to the licence.

The meeting ended at 10.46 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 25th July, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/76 DECLARATIONS OF INTEREST

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

LA 18/77 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 18/78 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 16/2018

(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 DBS Certificate had disclosed that the Applicant had a Caution dated 14 September 2017 – Theft by Employee on 28 July 2017, Theft Act 1968 S.1. The Panel noted that the Applicant had declared the Caution for theft on the questionnaire submitted with the application.

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

(1) that Section 1.4.4 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 4.7.6 of the Policy stated that the licence was conditional upon there being no adverse information revealed on the DBS disclosure which would render the applicant not 'Fit and Proper';

(3) that Section 4.8.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(4) that in respect of Cautions, Section 4.8.4 of the Policy stated that the Council would have regard to the class and age of the offence and the age of the applicant when the offence occurred when considering their relevance to an application; and

(1) that in respect of Offences of Dishonesty, Section 10.3.1 of the Policy stated that, in general, a period of 4 years free of conviction was required before an application was likely to be considered.

The Panel listened carefully to the explanation given by the Applicant of the circumstances surrounding the Caution for Theft and concluded that, as the offence had taken place within the last year and there was no extenuating circumstance or compelling reason to deviate from the Council's Hackney Carriage and Private Hire Policy, the Applicant was not 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

LICENSING AND APPEALS PANEL

Wednesday, 25th July, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/79 DECLARATIONS OF INTEREST

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

LA 18/80 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 18/81 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 17/2018

(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 DBS Certificate had disclosed that the Applicant had a Conviction dated 15 March 2013 for Destroy or Damage Property (value of Damage £5000 or less – offence against Criminal Damage Act 1971 only) Criminal Damage Act s.1(1). The Panel noted that the Applicant had not declared the Conviction on the questionnaire submitted with the application.

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

(1) that Section 1.4.4 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 in respect of the relevance of previous convictions, Section 4.8.3 of the Policy required that the Council had regard to whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty; and

(1) that Section 10.4.1 stated that applications would normally be refused where the conviction was less than 8 years old.

The Panel gave careful consideration to the application and the DBS Certificate and listened carefully to the Applicant's representations about his current circumstances, his explanation regarding the conviction and his failure to disclose the previous conviction on his application. The Panel took particular note of Section 10.4 of the Policy and found that there were no compelling or extenuating circumstances to justify deviation from the Council's Policy. The Panel concluded that the Applicant was not 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 12.42 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 25th July, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/82 DECLARATIONS OF INTEREST

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

LA 18/83 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 18/84 REVIEW OF DUAL DRIVER'S LICENCE - CASE NO 12/2018

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

The Panel was asked to consider whether the holder of a Dual Hackney Carriage and Private Hire Driver's Licence should have his licence suspended or revoked under s.61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that he was playing loud music in his vehicle in contravention of the Council's Taxi Licensing and Enforcement Policy and had failed to co-operate with the Council's Senior Licensing Officer during an enforcement exercise in Maidstone High Street in the early hours of the morning of 22 April 2018.

The Panel was reminded that the case had previously been scheduled to be heard on 6 June and 22 June but had been deferred on each occasion as the Driver was unavailable. The Panel noted that the Driver had indicated that he would not be attending the Hearing and had been advised that the case would be heard in his absence.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer and found the following:-

(1) that the Driver had failed to comply with the Local Government (Miscellaneous Provisions) Act 1976 in that he failed, without reasonable excuse, to comply with a requirement properly made to him by the Senior Licensing Officer; and

(1) that the Driver had failed to comply with s.60(1)(c) of the Local Government (Miscellaneous Provisions) Act 1976 - Any Other Reasonable Cause in that he had played very loud music in his vehicle in contravention of the Borough Council's Hackney Carriage and Private Hire Policy.

For these reasons the Panel

RESOLVED: That Dual Hackney Carriage and Private Hire Driver's Licence Number 16/01351/DUALDL be SUSPENDED for a period of 4 weeks.

The meeting ended at 1.41 pm
having commenced at 1.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 27th July, 2018

Present: Cllr Mrs F A Kemp (Chairman), Cllr O C Baldock and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/85 DECLARATIONS OF INTEREST

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

LA 18/86 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 18/87 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 18/2018

(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 receipt of information from the Disclosure and Barring Service (DBS).

The Panel was advised that the DBS Certificate had disclosed that the Applicant had Convictions dated 14 March 2001 and 11 April 2008 relating to the export, supply and possession of Class A drugs.

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

(1) that Section 1.4.4 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 in respect of the relevance of previous convictions, Section 4.8.3 of the Policy required that the Council had regard to whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty; and

(1) that Section 10.15.3 stated that an application would normally be refused where the conviction had resulted in imprisonment exceeding 30 months.

The Panel gave careful consideration to the Application and the DBS Certificate, listened carefully to the Applicant's representations about his current circumstances and his explanation regarding the convictions and concluded 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 GRANTED.

The meeting ended at 10.34 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 27th July, 2018

Present: Cllr Mrs F A Kemp (Chairman), Cllr O C Baldock and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/88 DECLARATIONS OF INTEREST

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

LA 18/89 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 18/90 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 19/2018

(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 receipt of information from the Disclosure and Barring Service (DBS)

The Panel was advised that the DBS Certificate had disclosed that the Applicant had a Conviction dated 18 May 2011 for Battery – Criminal Justice Act 1988 – Community Order – unpaid work requirement 60 hours, compensation £50.00 and costs £45.00.

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

(1) that Section 1.4.4 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 in respect of the relevance of previous convictions, Section 4.8.3 of the Policy required that the Council had regard to whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty; and

(1) that Section 10.4.1 stated that applications would normally be refused where the conviction was less than 8 years old prior to the date of the application.

The Panel gave careful consideration to the application and the DBS Certificate and listened carefully to the Applicant's representations about his current circumstances and to his explanation regarding the conviction. In the circumstances the Panel was 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 GRANTED.

The meeting ended at 11.23 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 31st July, 2018

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 31st July, 2018

Present: Her Worship the Mayor (Councillor Mrs P A Bates), the Deputy Mayor (Councillor 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 V M C Branson, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr M O Davis, 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 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 L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, 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 and Cllr T C Walker

Apologies for absence were received from Councillors M C Base, J L Botten, T I B Cannon, R W Dalton, Mrs T Dean, S M King, D Markham, Mrs A S Oakley, H S Rogers, T B Shaw, Miss S O Shrubsole, Ms S V Spence and B W Walker

PART 1 - PUBLIC

C 18/46 DECLARATIONS OF INTEREST

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

C 18/47 MINUTES OF ANNUAL MEETING

RESOLVED: That the Minutes of the proceedings of the Annual Meeting of the Council held on 15 May 2018 be approved as a correct record and signed by the Mayor.

C 18/48 MINUTES OF EXTRAORDINARY MEETING

RESOLVED: That the Minutes of the proceedings of the extraordinary meeting of the Council held on 25 June 2018 be approved as a correct record and signed by the Mayor.

C 18/49 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since the Annual Council meeting she had opened new offices in Tonbridge and Kings Hill and visited school fetes,

plays and award presentations throughout the Borough. She highlighted a number of memorable events including Positive Ageing's 25th Anniversary Party, the Snodland and Tonbridge Carnivals, signing the Zero Tolerance to Loan Sharks Charter, the Kwik Cricket Festival and her own charity, Tree of Hope's Summer Party. She had also attended the Royal Garden Party, the Lord Lieutenant of Kent's Civic Reception and the Battle of Britain Memorial Trust's Annual Memorial Day.

The Mayor reported on the Civic Service and welcoming leading community groups at her Garden Party. Future events included a Quiz at Hadlow College on 9 February 2019, a Darts Evening and possibly an afternoon of croquet on the Castle Lawn, further details of which would be given in due course.

C 18/50 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 18/51 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 18/52 LEADER'S ANNOUNCEMENTS

The Leader began by commending the Civic Service and the welcome provided by Tonbridge Baptist Church which reflected the Mayor's own links with the local community.

Business Rates Retention pilot

The Leader referred to the Kent and Medway authorities' successful application to be a pilot in the financial year 2018/19. He indicated that the scheme came in two packages. First, a Financial Sustainability Fund, this authority's projected allocation in October 2017 being £560,000. Latest business rate returns in January projected a higher allocation but the final settlement was subject to potential market movement.

The second package was the Housing and Commercial Growth Fund of £1.055 million to be divided across West Kent with agreement of all three districts and KCC. Proposals were still under discussion with the County Council but it was hoped to be able to report to the Economic Regeneration Advisory Board at its September meeting.

Members were advised that the Government was now inviting bids for a second round of Business Rates Retention; this one being slightly

different in that the allocation was 75 per cent retention. The Kent Council Leaders had agreed to make a fresh bid for 2019/20 although the deadline of 25 September would be tight and indications suggested that existing pilot authorities would not be included in the second round. Again, it was expected that the terms of the Kent and Medway bid would be reported to the Economic Regeneration Advisory Board at its next meeting.

The Leader reported that the long anticipated consultation on negative Revenue Support Grant was now published. The Government had indicated that it considered direct elimination of Negative RSG via foregone business rates receipts the preferred approach, meeting the key criteria of being both fair and affordable. It was necessary to see what it meant for this authority and the Council's suggested response was likely to be reported to the next meeting of the Finance, Innovation and Property Advisory Board.

Income generation

The Leader said that members of the Audit Committee would be aware that £5 million had been committed to the Property Investment Fund. Thus far the property funds had recorded a return of 3.74 %, broadly in line with the forecast return of 4%. Dividends to the end of June of £30,900 were £900 above profiled budget for the year but performance against budget for the year as a whole would be influenced by the amount and timing of additional property fund investments. This was clearly a step in the right direction and an endorsement of the approach taken by Members in supporting such investments.

Housing

The Leader referred to his report to the April meeting that the Borough Council had committed up to £1.6 million of development contributions for the purchase of temporary accommodation with the intention that such property be located in both the north and south of the Borough. He was pleased to report that a dwelling of six flats located in Tonbridge was under offer and hoped that some suitable accommodation in the north of the Borough could be identified.

Green Flag Awards

Members were advised that the Council's country parks continued to receive the highest recommendation for their quality. Haysden Country Park had been awarded a Green Flag Award for the thirteenth year and Leybourne Lakes Country Park for the twelfth year in a row making both officially two of the very best parks in the UK.

Community Alcohol Partnership

The Leader was pleased to attend the recent launch of the Tonbridge Community Alcohol Partnership, the second to be working within the Borough, the other being in Snodland which had been running successfully since 2012. There were now over 150 CAPs across the UK which had enjoyed considerable success as a tried and tested way of driving down underage drinking. They also underlined the merits of true partnership and the evidence from Snodland was that by working together, trading standards, the police, businesses, the Borough Council and Snodland Town Council were bringing better, safer and friendlier neighbourhoods.

Future activity

The Leader wished those Members and officers going away on holiday in August a refreshing and enjoyable break. He said that September would be a busy month for all with a number of meetings of both the Cabinet and Council in addition to the programmed meetings of various committees, boards and panels.

C 18/53 PROPOSED DIVERSION OF PUBLIC FOOTPATH MR218, STANSTED

Item AP2 18/3 referred from Area 2 Planning Committee minutes of 11 April 2018

RESOLVED: That the recommendations at Minute AP2 18/3 be approved.

C 18/54 HUMAN RESOURCES STRATEGY UPDATE

Item GP 18/11 referred from General Purposes Committee minutes of 25 June 2018

RESOLVED: That the recommendations at Minute GP 18/11 be approved.

C 18/55 INVESTIGATORY POWERS COMMISSIONER'S OFFICE INSPECTION REPORT - THE REGULATION OF INVESTIGATORY POWERS ACT 2000

Item GP 18/12 referred from General Purposes Committee minutes of 25 June 2018

RESOLVED: That the recommendations at Minute GP 18/12 be approved.

C 18/56 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT FOR 2017/18

Item AU 18/30 referred from Audit Committee minutes of 23 July 2018

RESOLVED: That the recommendations at Minute AU 18/30 be approved.

C 18/57 REVIEW OF CONSTITUTION

The report of the Director of Central Services and Monitoring Officer updated the position on the review of the Constitution following consideration by the Overview and Scrutiny Committee on 19 April and the Cabinet on 6 June 2018 (Minute CB 18/40 refers). The report outlined the scope of the review, summarised the key revisions and highlighted further changes to the draft Constitution since the meeting of the Cabinet, with particular reference to arrangements for dealing with petitions.

The Leader thanked members of the Overview and Scrutiny Committee and the officer team for their work on the review.

RESOLVED: That

(1) the amended Constitution set out at Annexes 1 to 6 of the report be adopted; and

(2) authority be delegated to the Director of Central Services and Monitoring Officer to make further changes to the formatting of the Constitution as he considers appropriate.

C 18/58 RECYCLING SITE COLLECTION ARRANGEMENTS

The report of the Director of Street Scene, Leisure and Technical Services identified difficulties with the current collection arrangements at the Council's recycling sites and proposed temporary additional resources to help address the issue until the implementation of revised arrangements under the new Waste Services contract. It was intended to meet the additional cost of £30,000 by means of a supplementary estimate.

RESOLVED: That the temporary arrangements outlined in the report to improve collection at the Council's recycling sites be approved with funding from a supplementary revenue budget.

C 18/59 APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to the report of the Director of Central Services regarding the appointment of Town Wardens of the Tonbridge Town Lands and Richard Mylls Charity for the period October 2018 to 2022. It

was noted that Mr E Prescott was willing to be reappointed and the Town Wardens had suggested Mrs D Huntingford as a replacement on the retirement of Miss J Browne.

RESOLVED: That

(1) Mr E Prescott be reappointed and Mrs D Huntingford be appointed as Town Wardens for the period October 2018 to October 2022; and

(2) the Council's thanks be recorded to Miss Janice Browne on her retirement after many years of dedicated service in various capacities to Tonbridge and the whole Borough.

C 18/60 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.

The meeting ended at 7.56 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 3rd August, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson and Cllr Mrs B A Brown

Following an apology for absence received from Councillor O C Baldock prior to meeting Councillor Mrs Anderson had been appointed to serve on the Panel

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/91 DECLARATIONS OF INTEREST

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

LA 18/92 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 18/93 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 20/2018

(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 Driver and Vehicle Licensing Agency (DVLA).

The Panel was advised that the response to the DVLA data release mandate form had disclosed that the Applicant had 6 Penalty Points on his Driving Licence an Offence dated 4 October 2017 – IN14 Causing or permitting offences. Using a vehicle uninsured against Third Party risks.

The Panel noted that the Applicant had declared the offence on the questionnaire submitted with the application.

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

(1) that Section 1.4.4 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 4.8.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(3) that in respect of Cautions and Endorsable Fixed Penalties, Section 10.2.7 of the Policy stated that formal cautions and endorsable fixed penalties should be treated as though they were convictions and must be disclosed; and

(1) that Section 12.7.2 of the Policy stated that, in particular, an application would normally be refused where the applicant has 6 or more penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed).

The Panel listened carefully to the explanation given by the Applicant of the circumstances which led him to accept six penalty points from the DVLA and reached the conclusion that there were no compelling or extenuating circumstances to justify deviation from the Council's Hackney Carriage and Private Hire Policy. The Panel felt that causing or permitting a vehicle to be used whilst uninsured posed a risk to the public and that public safety was a paramount concern when considering the licensing of taxi and private hire drivers. In the circumstances the Panel reached the conclusion that the Applicant was not 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 10.43 am
having commenced at 10.10 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 3rd August, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson and Cllr Mrs B A Brown

Following an apology for absence received from Councillor O C Baldock prior to the meeting Councillor Mrs Anderson had been appointed to serve on the Panel

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/94 DECLARATIONS OF INTEREST

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

LA 18/95 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 18/96 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 21/2018

(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 Driver and Vehicle Licensing Agency (DVLA) and the Disclosure and Barring Service (DBS).

The Panel was advised that the response to the DVLA data release mandate form had disclosed that the Applicant had 3 Penalty Points on his Driving Licence for an Offence dated 9 December 2014 – CD10

Driving without due care and attention. The Panel noted that the Applicant had declared the offence on the questionnaire submitted with the application.

The Panel was advised that the DBS Certificate had disclosed that the Applicant had a Conviction dated 30 October 2015 for Failing to give name and address after accident on 3 February 2015 – Road Traffic Act 1988 S.170(4); Failing to report accident on 3 February 2015 – Road Traffic Act 1988 S.170(4) and Drive a mechanically propelled vehicle on a road/in a public place without due care and attention on 3 February 2015 – Road Traffic Act 1988 S.3. The Panel noted that the Magistrates Court had imposed the following: Fine £625; Costs £620; Disqualification from driving – Discretionary 6 months from 30/10/2015 and a Victim Surcharge of £63. It was noted that the DVLA report had disclosed the offence AC10 – Failing to stop after an accident – Date of offence: 3 February 2015 (no points issued).

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

(1) that Section 10.2.2 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that the overriding consideration was the safety of the public;

(2) that Section 4.8.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;

(3) that in respect of the relevance of previous convictions, Section 4.8.5 of the Policy required that the Council had regard to the class, age and seriousness of the offence;

(4) that in respect of Cautions and Endorsable Fixed Penalties, Section 10.2.7 of the Policy stated that formal cautions and endorsable fixed penalties should be treated as though they were convictions and must be disclosed; and

(1) that in respect of Major Traffic Offences Section 10.8.3 of the Policy stated that more than one conviction for this type of offence within the last 5 years would likely merit refusal of an application.

The Panel gave careful consideration to the application, the DBS Certificate and the DVLA Drivers Report and listened carefully to the Applicant's explanation of the facts and circumstances which led to the convictions and the endorsement of his DVLA Driving Licence. The Panel took particular note of Sections 10.2.2 and 10.8.3 of the Council's Policy and reached the conclusion that there were no compelling or extenuating circumstances to justify deviation from the Council's Hackney Carriage and Private Hire Policy by granting a licence to someone with convictions for Major Traffic Offences.

In the circumstances the Panel reached the conclusion that the Applicant was not 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 11.38 am
having commenced at 11.04 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 15th August, 2018

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

Cllr O C Baldock was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S M Barker, R P Betts, L O'Toole, T B Shaw and Miss S O Shrubsole.

PART 1 - PUBLIC

AP2 18/28 DECLARATIONS OF INTEREST

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

AP2 18/29 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 4 July 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

AP2 18/30 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 18/31 TM/18/00595/FL - G B TATHAM AND CO LTD, 9 WILLOW WENTS, MEREWORTH

Demolition of existing office/workshop building and erection of 4 no. houses at G B Tatham and Co Ltd, 9 Willow Wents, Mereworth.

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

(1) The proposed development, by virtue of the siting, scale, massing and height of unit 1 when combined with its close proximity to the northern boundary shared with the immediate neighbour (11 Willow Wents), would result in an intrusive and dominant form of development when viewed from that neighbouring property, which would cause harm to the residential amenities of the occupants. The development is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and the requirements contained at paragraphs 127 (c and f) and 130 of the National Planning Policy Framework 2018.

[Speakers: Alison Currie and Richard Jones – Members of the public]

AP2 18/32 TM/18/00420/FL - 22 THE LANDWAY, BOROUGH GREEN

Demolition of existing workshop buildings, construction of two 2 bedroom and one 3 bedroom houses with associated parking and amenity areas at 22 The Landway, Borough Green.

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

(1) Amended Conditions:

6. No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s) and any contaminated material contained within its construction, a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected

including those off site. The site investigation scheme should also include details of all demolition works, site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2018.

7. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

   (a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

   The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

   (b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2018.

8. Following completion of the approved remediation strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level (inclusive of all demolition and disposal activities) shall be submitted for the information of the Local Planning Authority.

   The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

   Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2018.

12. No above ground development shall commence on site until full details of a scheme of acoustic protection for the dwellings hereby approved has been submitted to and approved by the Local Planning Authority. The scheme shall be informed by (but not limited to) the Environmental Noise Survey prepared by Aulos Acoustics, reference 0-1808 T2963-634, dated 12 July 2018. The approved scheme shall be implemented prior to the first occupation of any of the dwellings hereby permitted and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby permitted.

(2) Additional Informatives:

8. The applicant is advised that in order to achieve compliance with conditions 6 – 8 inclusive it will be necessary to fully survey the existing building for the presence of contaminated materials including, but not limited to, asbestos. The remediation scheme will be required to ensure safe demolition and disposal of the existing building and that will need to be verified as completed and remediated.

9. The applicant is advised that in order to achieve compliance with condition 12, they should undertake further noise surveys at times of the day when the adjacent forge is in active operation to ensure the proposed mitigation strategy would be fully effective at all times.

[Speakers: Kevin Willard and Kim Skinner – Members of the public]

AP2 18/33 TM/18/00988/FL - 31 HARRISON ROAD, BOROUGH GREEN

Demolition of existing single garage and porch. Construction of 1 no new three bedroom dwelling, driveway and crossover to serve the new dwelling and the extension and alteration of 31 Harrison Road, Borough Green.

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

(1) The proposal, by virtue of its siting, layout and overall size, would result in an incongruous form of development that would erode the openness of a corner plot to the detriment of the visual amenities of the street scene and prevailing character of the wider locality. The development is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and the requirements contained at paragraphs 127 (c and d) and 130 of the National Planning Policy Framework 2018.

[Speakers: Christine Chapman, Aaron Austin and Kim Skinner – Members of the public]

AP2 18/34 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 16th August, 2018

Present: Cllr A K Sullivan (Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr P F Bolt, Cllr D Keers, Cllr Mrs F A Kemp, Cllr Mrs S L Luck, Cllr M R Rhodes, Cllr M Taylor, Cllr Miss G E Thomas, Cllr T C Walker and Mr D Still (Co-opted member)

Councillors O C Baldock, Mrs P A Bates and N J Heslop were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs A S Oakley (Vice-Chairman), J L Botten, R W Dalton and Ms S V Spence

PART 1 - PUBLIC

OS 18/24 DECLARATIONS OF INTEREST

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

OS 18/25 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 21 June 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN BY THE COMMITTEE

OS 18/26 ROAD CLOSURES REVIEW - INITIAL REPORT

The report of the Chief Executive set out the legal, financial and operational issues involved when considering future road closures for events in the Borough. Details were given of the two sets of powers available to allow temporary road closures. It was noted that the purpose of the review was to explore whether the use of the Town Police Clauses Act 1847 (TPCA) remained the most appropriate legislation to use for all local events and, if not, the implications for the Borough Council and event organisers should the Road Traffic Regulation Act 1984 be used as an alternative.

Members were advised that Kent Police had concerns about the use of the TPCA for road closures for local events, especially those lasting a full day. It was therefore suggested that in order to take forward the review, both the Police and Kent County Council be consulted to

ascertain their views in relation to local road closures and information be obtained from other Kent district councils regarding their use of the TPCA or other procedures.

In expressing a general preference for retaining the use of the TPCA for local events, Members requested that a senior police officer be invited to the next meeting, together with a representative of the County Council, to explain and discuss their position. It was considered that this would also provide an opportunity to examine the process for managing road closures under the TPCA to ensure that it was as un-bureaucratic and cost-effective as possible.

RESOLVED: That the contents of the report be noted, a further report be presented to the next meeting of the Committee regarding the issues and consultations outlined in section 1.5 of the report and representatives of the Police and Kent County Council be invited to the next meeting to explain their views.

MATTERS SUBMITTED FOR INFORMATION

OS 18/27 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN - ANNUAL REVIEW LETTER 2017/18

The report of the Chief Executive presented the annual report of the Ombudsman regarding complaints received and dealt with over the past year. Members were pleased to note that of the complaints dealt with by the Ombudsman, there were no judgements against the Council, with five complaints closed after initial enquiries, three referred back for local determination and one case formally considered by the Ombudsman but not upheld. The Chief Executive and Directors were commended for their care in handling complaints.

RESOLVED: That the report be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 18/28 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Monday, 3rd September, 2018

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

Councillors Mrs J A Anderson, Mrs S M Barker, M C Base, R P Betts, D J Cure, R W Dalton, D A S Davis, Mrs T Dean, Mrs S L Luck, B J Luker, Mrs A S Oakley, M Parry-Waller, S C Perry, M R Rhodes, R V Roud, T B Shaw, Miss S O Shrubsole, A K Sullivan and M Taylor were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 18/47 DECLARATIONS OF INTEREST

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

CB 18/48 MATTERS REFERRED FROM PLANNING AND TRANSPORTATION ADVISORY BOARD

The notes of the meetings of the following Advisory Boards were received.

Planning and Transportation Advisory Board of 5 June 2018
Planning and Transportation Advisory Board of 24 July 2018

RESOLVED: That the report be received and noted subject to Minute CB 18/49 below.

CB 18/49 PLANNING AND TRANSPORTATION ADVISORY BOARD – 24 JULY 2018 - VOTING

The joint report of the Chairman of the Planning and Transportation Advisory Board and the Director of Central Services and Monitoring Officer explained the circumstances leading to a review of the voting on the Local Plan at the meeting of the Planning and Transportation Advisory Board on 24 July 2018. This had concluded that the proper outcome of the vote was that the recommendation for the draft Local Plan to be recommended to Cabinet for consideration had been defeated.

Members were advised that, having considered the legal and constitutional issues in detail and with the benefit of Counsel's opinion, it was proper for the consideration of the Local Plan by the Cabinet to go

ahead as planned, albeit with the correct vote and views of the Planning and Transportation Advisory Board noted and taken into account. It remained the case that the Cabinet had the responsibility to formulate the Local Plan and make a recommendation to the Council.

RESOLVED: That

(1) the contents of the report be noted; and

(2) the draft Local Plan be considered in the context of the discussion and advice presented in the report.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 18/50 LOCAL PLAN

The report of the Director of Planning, Housing and Environmental Health presented a set of Local Plan documents which, subject to the agreement of full Council, were proposed to be submitted to the Secretary of State following public consultation required by Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The key matters arising from consideration of the draft Local Plan at the meetings of the Planning and Transportation Advisory Board were summarised, including the amendments incorporated in the draft Local Plan document. The report also provided an update of the Local Plan evidence base and set out the next steps in the progress of the Plan.

Considerable debate ensued with particular concerns expressed about the capacity of infrastructure across the Borough and uncertainty about future investment. It was noted that the sites proposed to be allocated in the Local Plan were themselves planned to bring forward infrastructure provision appropriate to new development.

The implications of not having an up to date Local Plan were discussed and the Cabinet concluded that, notwithstanding concerns about individual sites, it was preferable to take forward the Local Plan for submission within the six months transition period before the revised NPPF standardised approach to housing need assessment became applicable.

A local Member presented a petition on behalf of residents of West Malling, opposing any development on the Green Belt east of Offham Road. This was noted and it was advised that the most appropriate course of action was for the petition to be included in the public consultation that would take place should the Local Plan be approved by the Council.

The Cabinet acknowledged the work of officers in developing the Local Plan and the Leader thanked all Members for their contribution to the process and to the meeting.

RECOMMENDED: That

(1) the content of the report be noted; and

(2) the Local Plan and accompanying documents appended to the report be commended to full Council for approval for the purposes of public consultations and submission to the Secretary of State in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
***Referred to Council**

CB 18/51 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 4th September, 2018

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

Councillors Mrs J A Anderson, O C Baldock, M A C Balfour, Mrs P A Bates, Mrs S Bell, R P Betts, P F Bolt, M O Davis, S M Hammond, D Keeley, D Keers, R D Lancaster, B J Luker, Mrs A S Oakley, M Parry-Waller, S C Perry, M R Rhodes, R V Roud, T B Shaw, C P Smith, A K Sullivan and Miss G E Thomas were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 18/52 DECLARATIONS OF INTEREST

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

EXECUTIVE KEY DECISION AND MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 18/53 WASTE SERVICES CONTRACT RETENDER

Decision Notice D180050CAB (Items 1 – 14)

The report of the Borough Council's Management Team sought approval of a number of recommendations considered at the Street Scene and Environment Services Advisory Board of 4 September 2018 related to the Waste Services contract and tendering exercise.

In addition, the report proposed approval and/or endorsement of three separate recommendations to be referred to the Extraordinary Council meeting on 18 September 2018.

The positive and detailed discussion at the Street Scene and Environment Services Advisory Board immediately prior to the meeting of Cabinet was noted. The potential to improve recycling rates within the Borough as a result of an enhanced service was also noted.

RESOLVED: That the recommendations of the Street Scene and Environment Services Advisory Board held on 4 September 2018 be approved as follows:

(1) the procurement process undertaken by Officers be endorsed;

(2) the South West Kent Waste Partnership – Waste Services Contract 2019 be awarded to the successful contractor as detailed in the report;

(3) the future provision of bring sites includes the ten locations outlined in the report (at paragraph 1.6.1(ii)) with a review of bring sites to be reported to a future meeting of the Street Scene and Environment Services Advisory Board;

(4) the existing service arrangements for the Saturday Bulky Household Waste and WEEE collections be retained (excluding garden waste) with a review of the arrangements to be reported to a future meeting of the Street Scene and Environment Services Advisory Board;

(5) the high speed roads within the Borough continue to be cleansed 12 times a year with a review after 12 months of operation;

(6) the proposed draft Inter Authority Agreement be approved and authority delegated to the Directors of Street Scene, Leisure and Technical Services and Finance and Transformation to make any final amendments, in liaison with the Cabinet Members for Street Scene and Environment Services and Finance, Innovation and Property;

(7) regular updates on the arrangements for the new contract be reported to the Street Scene and Environment Services Advisory Board;

(8) the details and style of joint branding to be used by the successful contractor be considered in liaison with the established Member Group and Tunbridge Wells Borough Council;

(9) delegated authority be given to the Director of Street Scene, Leisure and Technical Services, in liaison with the Cabinet Member for Street Scene and Environment Services, to approve the final form of the Joint Working Agreement to be entered into;

(10) the role of Partnership Manager be undertaken in the first year of the new contract by Tonbridge and Malling Borough Council;

(11) the current Capital Plan provision for the replacement of existing containers and purchase of containers for new households be reviewed and adjusted as part of the Capital Plan review;

(12) the procurement of the new containers for the Waste Services Contract be progressed through an appropriate Purchasing Framework;

(13) the Strategic Communications Overview and approach to the development of a detailed Operational Marketing Plan be approved; and

(14) the actions to address the impacts identified in the Equality Assessment be noted

RECOMMENDED: That the following be referred to Council

(1) The new opt-in garden waste charge at the standard rate of £40 per year, as outlined in the report to the Street Scene and Environment Services Advisory Board at paragraph 1.4.3, be agreed and further detail on a reduced introductory charge be considered in accordance with proposals set out at 1.4.3 at a future meeting of the Advisory Board;

(2) The provision of new containers for the Waste Services Contract be added to the Capital Plan, funded from the earmarked reserve; and

(3) A marketing/communication budget be established to publicise and promote the new enhanced service in the sum of £100,000 funded from the Invest to Save reserve.

***Referred to Council**

CB 18/54 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.00 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet
Decision No: D180050CAB
Date: 04 September 2018

Decision(s) and Reason(s)

Waste Services Contract Retender

(Item SSE 18/11 and SSE 18/16 referred from Street Scene and Environment Services Advisory Board minutes of 4 September 2018)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 4 September 2018. It was noted that the recommendations included those for approval by Cabinet and three separate recommendations to be referred to Extraordinary Council on 18 September 2018.

The Cabinet resolved that:

The recommendations of the Street Scene and Environment Services Advisory Board be approved as follows:

(1) the procurement process undertaken by Officers be endorsed;

(2) the South West Kent Waste Partnership – Waste Services Contract 2019 be awarded to the successful contractor as detailed in the report;

(3) the future provision of bring sites includes the ten locations outlined in the report (at paragraph 1.6.1(ii)) with a review of bring sites to be reported to a future meeting of the Street Scene and Environment Services Advisory Board;

(4) the existing service arrangements for the Saturday Bulky Household Waste and WEEE collections be retained (excluding garden waste) with a review of the arrangements to be reported to a future meeting of the Street Scene and Environment Services Advisory Board;

(5) the high speed roads within the Borough continue to be cleansed 12 times a year with a review after 12 months of operation;

(6) the proposed draft Inter Authority Agreement be approved and authority delegated to the Directors of Street Scene, Leisure and Technical Services and Finance and Transformation to make any final amendments, in liaison with the Cabinet Members for Street Scene and Environment Services and Finance, Innovation and Property;

(7) regular updates on the arrangements for the new contract be reported to the Street Scene and Environment Services Advisory Board;

(8) the details and style of joint branding to be used by the successful contractor be considered in liaison with the established Member Group and Tunbridge Wells Borough Council;

(9) delegated authority be given to the Director of Street Scene, Leisure and Technical Services, in liaison with the Cabinet Member for Street Scene and Environment Services, to approve the final form of the Joint Working Agreement to be entered into;

(10) the role of Partnership Manager be undertaken in the first year of the new contract by Tonbridge and Malling Borough Council;

(11) the current Capital Plan provision for the replacement of existing containers and purchase of containers for new households be reviewed and adjusted as part of the Capital Plan review;

(12) the procurement of the new containers for the Waste Services Contract be progressed through an appropriate Purchasing Framework;

(13) the Strategic Communications Overview and approach to the development of a detailed Operational Marketing Plan be approved; and

(14) the actions to address the impacts identified in the Equality Assessment be noted

Referred to Council:

(1) The new opt-in garden waste charge at the standard rate of £40 per year, as outlined in the report to the Street Scene and Environment Services Advisory Board, be agreed and further detail on a reduced introductory charge be considered in accordance with proposals set out in paragraph 1.4.3 of the report at a future meeting of the Advisory Board;

(2) The provision of new containers for the Waste Services Contract be added to the Capital Plan, funded from the earmarked reserve; and

(3) A marketing/communication budget be established to publicise and promote the new enhanced service in the sum of £100,000 funded from the Invest to Save reserve.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 4 September 2018.

Signed Chief Executive: J Beilby

Date of publication: 7 September 2018

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

LICENSING AND APPEALS PANEL

Friday, 7th September, 2018

Present: Cllr Mrs F A Kemp (Chairman), Cllr M A Coffin and Cllr R V Roud

Together with representatives of the Licensing Authority, Mr S Thomas (Solicitor to the Applicant), Mr J Griffiths (Applicant and Designated Premises Supervisor), Mr P Thomason, Environmental Health Services (Responsible Authorities), Mr S Collings, Mr T McClinton, Mr C Williams, Mrs S Williams and Councillor M Base (interested parties).

PART 1 - PUBLIC

LA 18/97 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 18/98 APPLICATION FOR A NEW PREMISES LICENCE FOR LITTLE GEM, 19 HIGH STREET, AYLESFORD

The Panel gave consideration to an application for a Premises Licence made by Mr John Griffiths, Director of Pace Asset Management Ltd, under Section 17 of the Licensing Act 2003 in respect of the premises known as Little Gem, 19 High Street, Aylesford. The application related to the Sale of Alcohol, Recorded Music and Late Night Refreshment.

Pace Asset Management Ltd was represented at the hearing by Stephen Thomas, Solicitor, who had indicated by letter prior to the hearing that the application for the sale of alcohol was amended to be from 12.00 to 23.00 hours Monday to Sunday with the exception of New Year's Eve when it would be until 01.00 hours on New Year's Day. The application for recorded music and late night refreshment was withdrawn.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 1 and the plan of the premises at Annex 2 to the report, and the written representations received during the statutory consultation period as set out at Annexes 3, 4 and 6. Following the amendment of the application, Mr P Thomason for the responsible authority for

Environmental Health, indicated that his objections to the application had been addressed and he no longer had any objections.

The Panel listened carefully to the representations made by Mr Thomas and one resident in support of the application and by Councillor M Base (representing himself) and three local residents who had objected to the application. The local residents were particularly concerned about the use of the forecourt for drinking and smoking and the amount of noise and disturbance that this might generate.

In reaching its decision the Panel took into consideration the guidance dated April 2018 issued by the Secretary of State under Section 182 of the Licensing Act 2003, and in particular Chapter 2 and the Prevention of Public nuisance, as well as the Council's Statement of Licensing Policy.

The Panel took account of all of the representations from local residents regarding noise and public nuisance and the modifications made to the application by Mr Thomas on behalf of Pace Asset Management.

The Panel was satisfied that the licensing objectives could be promoted by granting the licence in accordance with the amended application and subject to the mandatory conditions, the conditions consistent with the operating schedule, those conditions proposed by the applicant in the letter to the Licensing Authority dated 31 August 2018 and the conditions recommended by the Panel at the Hearing. The Panel concluded that, in order to promote the licensing objectives, particularly the prevention of public nuisance, the application could be approved and, therefore

RESOLVED: That the Premises Licence be granted subject to the mandatory conditions set out in the Licensing Act 2003, such conditions as are consistent with the operating schedule accompanying the application and to the following:-

Section J	**Supply of alcohol for consumption both on and off the premises** Monday to Sunday from 12:00 hours until 23:00 hours and until 01:00 hours on New Year's Day

Conditions:

1. The use of the forecourt shall cease at 21:00 hours on all days including New Year's Eve.

2. During opening hours the front of the forecourt shall be delineated by some form of barrier.

3. All tables and chairs shall be removed from the forecourt at closing time.

4. No more than 8 persons shall use the forecourt at any time.

5. With the exception of ingress and egress, all doors and windows shall be kept closed after 21:00 hours (The Panel recommended that an automatic closing device be fitted to the front door).

6. No bottle bins shall be emptied between 21:00 hours and 08:00 hours.

7. All deliveries shall take place on weekdays between 08:00 hours and 17:00 hours.

8. Signage shall be put up requesting patrons to respect the rights of local residents.

LA 18/99 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 12.45 pm
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Wednesday, 12th September, 2018

At the extraordinary meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 12th September, 2018

Present: Her Worship the Mayor (Councillor Mrs P A Bates), the Deputy Mayor (Councillor Mrs J A Anderson), Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M Davis, Cllr Mrs T Dean, 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 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 M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr C P Smith, Cllr Ms S V Spence, 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 S Bell, Mrs B A Brown, D Keers, Mrs F A Kemp, L J O'Toole, Miss S O Shrubsole and A K Sullivan

PART 1 - PUBLIC

C 18/61 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in the agenda item relating to the Local Plan on the grounds of his status as a partner of Warner's Solicitors. In accordance with the dispensation granted at Minute GP 16/19 (General Purposes Committee of 20 October 2016) he remained in the meeting but took no part in the discussion or voting.

C 18/62 LOCAL PLAN

Consideration was given to the recommendations of the Cabinet at its extraordinary meeting on 3 September 2018 regarding approval of the Local Plan and accompanying documents for submission to the Secretary of State following public consultation as required by the Town and Country Planning (Local Planning) (England) Regulations 2012 (Minute CB 18/50 refers).

RESOLVED: That

(1) the Council is satisfied that the Local Plan is ready for independent examination, and the Local Plan, amendments to the policies and proposals map, Sustainability Appraisal and Habitats Regulations Assessment be approved for the purposes of public consultation as required by Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and

(2) the Local Plan document and supporting documents, together with any other relevant information including a copy of representations received during the Regulation 19 consultation, be subsequently submitted to the Secretary of State for Housing, Communities and Local Government as required by Regulation 22 of the Regulations.

C 18/63 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 8.28 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 18th September, 2018

At the extraordinary meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 18th September, 2018

Present: The Deputy Mayor (Councillor Mrs J A Anderson) – in the Chair, Cllr O C Baldock, Cllr M A C Balfour, Cllr M C Base, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr D Keeley, 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 M R Rhodes, Cllr R V Roud, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr F G Tombolis and Cllr T C Walker

Apologies for absence were received from Her Worship the Mayor Councillor Mrs P A Bates and Councillors Mrs S M Barker, P F Bolt, J L Botten, M A Coffin, D J Cure, S M Hammond, D Keers, Mrs F A Kemp, S M King, R D Lancaster, H S Rogers, Miss J L Sergison, Miss S O Shrubsole, Miss G E Thomas and B W Walker

PART 1 - PUBLIC

C 18/64 DECLARATIONS OF INTEREST

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

C 18/65 WASTE SERVICES CONTRACT

Consideration was given to the recommendations of the Cabinet at its extraordinary meeting on 4 September 2018 regarding proposals for a new ‘opt-in’ garden waste charge, the provision of new containers and a marketing/communications budget associated with the new Waste Services Contract.

RESOLVED: That

(1) the new opt-in garden waste charge at the standard rate of £40 per year, as detailed in the report to the Street Scene and Environment Services Advisory Board at paragraph 1.4.3, be agreed;

(2) further detail on a reduced introductory charge be considered in accordance with proposals set out at paragraph 1.4.3 of the report to the Street Scene and Environment Services Advisory Board;

(3) the provision of new containers for the Waste Services Contract be added to the Capital Plan, funded from the earmarked reserve; and

(4) a marketing/communication budget be established to publicise and promote the new enhanced waste service in the sum of £100,000 funded from the Invest to Save Earmarked Reserve.

C 18/66 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 7.55 pm
having commenced at 7.40 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 26th September, 2018

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

PART 1 - PUBLIC

AP2 18/35 DECLARATIONS OF INTEREST

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

AP2 18/36 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 15 August 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

AP2 18/37 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 18/38 (A) TM/17/03471/FL AND (B) TM/17/03472/LB - GREAT BUDDS HOUSE, GREAT MOTE ROAD, SHIPBOURNE

(A) Sub-division of existing site containing Grade II-listed dwelling, one Grade II-listed barn and one oast house into three self-contained plots with Grade II-listed barn and oast house converted into dwelling, and (B) Listed Building Application: Sub-division of existing site containing Grade II-listed dwelling, one Grade II-listed barn and one oast house into three self-contained plots with Grade II-listed barn and oast house converted into dwelling at Great Budds House, Mote Road, Shipbourne.

RESOLVED: That the application be DEFERRED for a Members' site inspection.

[Speakers: Councillor Tyler (Shipbourne Parish Council); Ms J Bate (on behalf of Mr D Prichard), Mr G Krygier and Mr A Bristow – members of the public; Mr M Miles (Applicant) and Mr N Edwards (Architect)]

AP2 18/39 TM/18/00357/OA - THE NURSERY, TAYLORS LANE, TROTTISCLIFFE

Outline Application: Erection of a detached dwelling for an agricultural worker relating to the nursery business to replace the mobile home, with landscaping reserved at The Nursery, Taylors Lane, Trottiscliffe.

RESOLVED: That the application be DEFERRED for a report from Legal Services on the risks arising from refusal of the application on the grounds of viability and harm to the Green Belt.

[Speakers: Mr R Wallis, Trottiscliffe Parish Council]

AP2 18/40 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 1st October, 2018

Present: Cllr V M C Branson (Chairman), Cllr R P Betts (Vice-Chairman), Cllr O C Baldock, Cllr T Bishop and Cllr Mrs F A Kemp

Grant Thornton, External Auditors: Mr C McLaughlin (Director) and Mr A Ayre (Manager)

Councillors Mrs J A Anderson, M R Rhodes and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor T C Walker

PART 1 - PUBLIC

AU 18/40 DECLARATIONS OF INTEREST

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

AU 18/41 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 23 July 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

AU 18/42 REVISED STATUTORY INVESTMENT GUIDANCE AND TREASURY MANAGEMENT AND PRUDENTIAL CODES OF PRACTICE

The report of the Director of Finance and Transformation gave details of the additional requirements imposed on local authorities through revised statutory guidance and codes of practice. These were aimed at addressing concerns arising from the commercialism agenda, in particular the use of loans and the purchase of property to generate a profit.

RESOLVED: That the Cabinet be recommended to

(1) note the new requirements and disclosures contained in the Statutory Guidance on Local Government Investments 2018 Edition set out at Annex 1 to the report;

(2) readopt the four clauses to be formally adopted, as set out in the Code and reproduced at Annex 2 to the report;

(3) readopt the Treasury Management Policy Statement, as set out in the Code and reproduced at Annex 3 to the report;

(4) note the new statement pertaining to investments that are not part of treasury management activity, reproduced at Annex 4 to the report;

(5) note the additional paragraphs to be added to the Council's Treasury Management Practices, as set out at Annex 5 to the report;

(6) note the additional paragraphs to be added to the Council's Capital Strategy, as set out at Annex 6 to the report; and

(7) note the prudential indicators set out at Annex 7 to the report.

AU 18/43 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW 2018/19

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during the period April to August 2018. It also included an update on progress in securing additional property fund investment and a mid-year review of the Annual Investment Strategy and risk parameters.

RESOLVED: That the Cabinet be recommended to

(1) endorse the action taken by officers in respect of treasury management activity for the period April to August 2018;

(2) note the £5 million in property fund investments undertaken since June 2017; and

(3) retain the existing parameters intended to limit the Council's exposure to investment risks.

MATTERS SUBMITTED FOR INFORMATION

AU 18/44 INTERNAL AUDIT AND COUNTER FRAUD UPDATE

The report of the Chief Audit Executive provided an update on the work of the Internal Audit and Counter Fraud functions for the period April to August 2018.

RESOLVED: That the report be received and noted.

AU 18/45 ANNUAL AUDIT LETTER

The report of the Director of Finance and Transformation set out details of the key messages contained in the Annual Audit Letter for the year ended 31 March 2018.

RESOLVED: That the report be received and noted.

AU 18/46 GRANT THORNTON PROGRESS REPORT AND SECTOR UPDATE

The report of the Director of Finance and Transformation provided an update from external auditors, Grant Thornton, on emerging national issues and developments relevant to Tonbridge and Malling Borough Council.

RESOLVED: That the report be received and noted.

AU 18/47 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 18/48 INSURANCE CLAIMS HISTORY; APRIL - AUGUST 2018

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

The Director of Finance and Transformation reported on the nature and volume of liability and property damage insurance claims submitted during the period April 2018 to August 2018.

RESOLVED: That the report be received and noted.

The meeting ended at 8.08 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 2nd October, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr D Keers (Vice-Chairman), Cllr O C Baldock, Cllr Mrs S M Barker, 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 M Taylor

Apologies for absence were received from Councillors M C Base, M A Coffin and F G Tombolis

PART 1 - PUBLIC

LA 18/100 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct. However, in the interests of transparency Councillor Mrs Kemp advised that she occasionally bred dogs.

LA 18/101 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 19 June 2018 be approved as a correct record and signed by the Chairman.

LA 18/102 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 8, 15, and 22 June, 25 and 27 July, 3 August and 7 September be received and noted.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 18/103 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES FOR GAMBLING

Further to Minute LA 18/61, the report of the Director of Central Services and Monitoring Officer gave details of the outcome of consultation on the proposed Statement of Principles (Policy) for Gambling under the Gambling Act 2005 for the period January 2019 to January 2022. Members were advised that only one representation had been received from HM Revenue and Customs regarding a new address to use as a Responsible Authority.

RECOMMENDED: That the draft Statement of Principles for Gambling set out at the Annex to the report be approved.
***Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

LA 18/104 CHANGES TO ANIMAL LICENSING LEGISLATION - FEES

Further to Minute LA 18/62, the report of the Director of Central Services and Monitoring Officer gave details of new legislation which came into force on 1 October 2018 introducing an updated licensing system for five activities involving animals. A copy of the procedural guidance notes for local authorities was annexed to the report together with a supplementary report setting out proposed fees for each of the activities. Details were given of transitional arrangements, inspections and criteria for fee setting and determining the length of a licence and star rating.

Considerable discussion ensued and Members expressed concern about the implications of the new licensing regime for home boarders and occasional breeders, emphasising the need for an appropriate definition of “business” and suitable publicity to disseminate information.

In considering the proposed scale of fees, it was questioned whether enforcement costs would be adequately covered. The officers undertook to circulate the updated financial model used in setting fees and it was noted that there was an opportunity for fine-tuning at the next meeting in the context of the general review of licence fees and charges.

Finally, the Committee addressed the respective use of veterinary surgeons or suitably qualified officers as inspectors and agreed that the current practice of using a Vet for initial and renewal inspections depending on the particular animal activity be continued. It was recognised that inspections of home boarding and dog day care premises could be undertaken by qualified officers.

RESOLVED: That

(1) the licence and inspection fees set out in the Annex to the supplementary report be approved; and

(2) the Council continue to use a Vet for initial and renewal inspections depending on the animal activity being undertaken.

LA 18/105 REMOVAL OF PROBATIONARY LICENCES FROM HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

The report of the Director of Central Services and Monitoring Officer referred to the Committee’s decision to discontinue the Probationary Private Hire Licence (Minute LA 18/43 refers). A revised Hackney Carriage and Private Hire Policy with all references to Probationary Private Hire removed, together with a number of updates, was set out in

the annex to the report. It was proposed that this be subject to a further six week period of consultation from 5 October to 16 November.

RESOLVED: That the draft policy set out at Annex 1 to the report be approved for consultation (subject to removal of all references to probationary licences from the issued document).

LA 18/106 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 4th October, 2018

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

Councillor H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base (Vice-Chairman), D A S Davis, Mrs T Dean, S M Hammond, D Keers, D Lettington, D Markham and B W Walker

PART 1 - PUBLIC

AP3 18/13 DECLARATIONS OF INTEREST

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

AP3 18/14 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 1 February 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

AP3 18/15 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 18/16 TM/18/01394/FL - 4-6 NEW ROAD, DITTON

Erection of two, 2 bedroom dwellings with associated parking and access at 4 - 6 New Road, Ditton.

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

(1) Addition of Conditions:

8. The first floor windows on the north (flank) elevation of the building hereby approved shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the dwelling is occupied and shall be retained at all times thereafter.

Reason: In the interests of 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 development shall be carried out within Classes B and C; of Part 1; of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy.

10. No external lighting shall be installed on the dwellings hereby approved or within the associated residential curtilages or parking areas as laid out on drawing number 114-01.

Reason: In the interests of residential amenity.

[Speakers: Peter Dalton – Ditton Parish Council; Andrew Hawker and Alan Hawker – members of the public]

AP3 18/17 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, 8th October, 2018

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

Councillors Mrs J A Anderson, D Lettington, Mrs A S Oakley, 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 P F Bolt, Mrs M F Heslop, S C Perry and C P Smith

PART 1 - PUBLIC

GP 18/17 DECLARATIONS OF INTEREST

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

GP 18/18 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 25 June 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

GP 18/19 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Further to the meeting of the Electoral Review Working Group held prior to the Committee meeting the Chief Executive presented a report on the Review of Polling Districts and Polling Places and outlined the timetable for public consultation.

RESOLVED: That the timing of the review, including the initial proposals and the public consultation to be undertaken by 21 December 2018, be approved.

GP 18/20 HOMEWORKING POLICY AND PROCEDURE

The report of the Director of Central Services set out the proposed Homeworking Policy following a recent review of the Council's Flexible Working and Homeworking Policy. It was noted that the proposed policy

more accurately reflected the Council's current arrangements where all homeworking currently undertaken fell into the category of Occasional/ad hoc and created the flexibility to incorporate Regular and Permanent/remote homeworking options in the future.

In response to concerns expressed about the security and confidentiality of information and the possibility of a breach of the General Data Protection Regulations, the Director of Central Services confirmed that the Security, Confidentiality and Health and Safety section of the policy would be amended by the addition of the following:-

"Homeworkers must ensure that there is no risk of breaching the Council's GDPR safeguards by others who may be present while they are homeworking".

RESOLVED: That, subject to the inclusion of the reference to the Council's GDPR safeguards, the updated Homeworking Policy, as set out at Annex 1 to the report, be adopted as a standalone policy separate from the Flexible Working Policy and Procedure.

GP 18/21 AMENDMENT TO THE SMOKING POLICY

The report of the Director of Central Services set out details of proposed amendments to the Council's Smokefree Workplace and Public Place Policy following a recent query about the use of e-cigarette/vaping charging units on Council premises and the associated fire risk of these units. The report proposed that the following be added to paragraph 2.1 of the policy:-

" 'Vaping' or the use of electronic cigarettes is similarly not permitted in any part of the operational premises as defined above. Those using such devices are not required to use the designated smoking areas but may use them outside so long as they do not cause harm or distress, whether actual or perceived, to others.

Vaping or electronic cigarettes should not be left unattended at any time when being electronically charged and charging units should be Portable Appliance Tested (PAT) first before use."

RESOLVED: That the proposed amendments to Paragraph 2.1 of the Policy, as set out at paragraphs 1.2 and 1.6 of the report, be endorsed.

MATTERS SUBMITTED FOR INFORMATION

GP 18/22 REVIEW OF DISPENSATION - COUNCILLOR MARK DAVIS

The report of the Director of Central Services and Monitoring Officer set out details of the recent review of the dispensation granted to Councillor Mark Davis to enable his participation in meetings of the Area Planning Committees, the Planning and Transportation Advisory Board and other

meetings where the Local Plan was under consideration. It was noted that the dispensation would remain in effect until the local elections in May 2019.

RESOLVED: That the review of the dispensation granted to Councillor Mark Davis be noted.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 18/23 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 PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

GP 18/24 ESTABLISHMENT CHANGES

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

The report of the Director of Central Services set out for approval a number of establishment changes arising from the ongoing operational management of the Council's services.

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

(1) the re-designation and re-grading of post DA1102 from Property Services Officer to Corporate Support Manager with immediate effect;

(2) the establishment of a temporary Revenues and Visiting Assistant post scale 2/4 with immediate effect for a period of 6 months;

(3) the establishment of a 1 year fixed term full time scale 2/3 Administration Assistant in the Waste Team with immediate effect;

(4) post DE0513, scale 5, be permanently re-designated Parking Support Manager from Senior Administrator and established full time with immediate effect for a period of 12 months;

(5) post DE0503 scale 3 be permanently re-designated Parking Support Officer from Parking Administrator and established 0.8 full time equivalent with immediate effect for a period of 12 months;

(6) post DE0505 scale 3 be permanently re-designated Parking Support Officer from Parking Administrator and established 0.6 full time equivalent with immediate effect for a period of 12 months; and

(1) the grade attaching to posts DJ0102 Development Manager and DJ0302 Planning Policy Manager be increased from M6 to M5 with immediate effect.

The meeting ended at 8.14 pm
having commenced at 7.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Wednesday, 10th October, 2018

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

Councillors Mrs J A Anderson, O C Baldock, Mrs A S Oakley, M Parry-Waller, M R Rhodes, R V Roud and A K Sullivan were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 18/55 DECLARATIONS OF INTEREST

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

CB 18/56 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 6 June 2018 be approved as a correct record and signed by the Chairman.

CB 18/57 MINUTES OF EXTRAORDINARY MEETING

RESOLVED: That the Minutes of the extraordinary meeting of the Cabinet held on 3 September 2018 be approved as a correct record and signed by the Chairman.

CB 18/58 MINUTES OF EXTRAORDINARY MEETING

RESOLVED: That the Minutes of the extraordinary meeting of the Cabinet held on 4 September 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 18/59 REVISED STATUTORY INVESTMENT GUIDANCE AND TREASURY MANAGEMENT AND PRUDENTIAL CODES OF PRACTICE

The report of the Director of Finance and Transformation gave details of the additional requirements imposed on local authorities through revised statutory guidance and codes of practice. These were aimed at addressing concerns arising from the commercialism agenda, in particular the use of loans and the purchase of property to generate a profit. It was noted that the matter had been considered by the Audit

Committee at its meeting on 1 October 2018 and a number of actions commended to the Council.

RECOMMENDED: That

(1) the new requirements and disclosures contained in the Statutory Guidance on Local Government Investments 2018 Edition set out at Annex 1 to the report be noted;

(2) the four clauses to be formally adopted, as set out in the Code and reproduced at Annex 2 to the report, be readopted;

(3) the Treasury Management Policy Statement, as set out in the Code and reproduced at Annex 3 to the report, be readopted;

(4) the new statement pertaining to investments that are not part of treasury management activity, reproduced at Annex 4 to the report, be noted;

(5) the additional paragraphs to be added to the Council's Treasury Management Practices, as set out at Annex 5 to the report, be noted;

(6) the additional paragraphs to be added to the Council's Capital Strategy, as set out at Annex 6 to the report, be noted; and

(7) the prudential indicators set out at Annex 7 to the report be noted.
***Referred to Council**

CB 18/60 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW 2018/19

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during the period April to August 2018. It also included an update on progress in securing additional 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 1 October 2018 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 August 2018 be endorsed;

(2) the £5 million in property fund investments undertaken since June 2017 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 PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE FUNCTIONS)

CB 18/61 WEST KENT PARTNERSHIP - BUSINESS RATES RETENTION PILOT: HOUSING AND COMMERCIAL GROWTH FUND

Decision Notice D180060CAB

CB 18/62 CLASS C EMPTY PROPERTY COUNCIL TAX DISCOUNT AND LONG TERM EMPTY HOMES PREMIUM

Decision Notice D180061CAB

CB 18/63 GARDEN COMMUNITIES PROSPECTUS - EXPRESSION OF INTEREST

Decision Notice D180062CAB

CB 18/64 REVIEW OF YOUTH ENGAGEMENT, SPORTS AND EVENTS DEVELOPMENT

Decision Notice D180063CAB

MATTERS SUBMITTED FOR INFORMATION

CB 18/65 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.

Communities and Housing Advisory Board of 16 July 2018
Street Scene and Environment Services Advisory Board of 4 September 2018
Economic Regeneration Advisory Board of 5 September 2018
Finance, Innovation and Property Advisory Board of 17 September 2018

RESOLVED: That the report be received and noted.

CB 18/66 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.

Joint Transportation Board of 11 June 2018
Parish Partnership Panel of 14 June 2018
Parish Partnership Panel of 6 September 2018
Tonbridge Forum of 10 September 2018
Joint Transportation Board of 24 September 2018

RESOLVED: That the report be received and noted.

CB 18/67 MEDIUM TERM FINANCIAL STRATEGY UPDATE AND BID FOR 75% BUSINESS RATES RETENTION PILOT

The joint report of the Chief Executive and Director of Finance and Transformation provided an update on the Medium Term Financial Strategy (MTFS) and projected funding gap ahead of the forthcoming budget cycle. Reference was made to expectations in respect of the 2019/20 Local Government Settlement and council tax referendum principles; implications of the Government's proposed removal of "Negative RSG" and increased baseline below which New Homes Bonus would not be paid. It was hoped that the new waste services contract would make a substantial contribution to the funding gap. However, the Director of Finance and Transformation emphasised that, irrespective of the scale of that contribution, a funding gap would remain to be addressed over the medium term. Further information would become available as the MTFS and Savings and Transformation Strategy were updated during the budget cycle.

Members were also advised that a Kent-wide joint bid for pilot status in respect of the 75% business rates retention in 2019/20 had now been submitted following the success of the current year's pilot.

RESOLVED: That the report be received and noted.

CB 18/68 LOCAL DIGITAL DECLARATION

The report of the Director of Finance and Transformation advised the Cabinet of the launch of the Local Digital Declaration initiative which aimed to share the best innovation across the public sector to benefit residents. Details were given of the prospectus announced for the first round of funding to support digital work, an expression of interest having been submitted by the 5 October deadline. It was noted that, if selected, full applications would be required by 18 November. Members were advised that officers were working on a Digital Strategy which would be

presented to the Finance, Innovation and Property Advisory Board in due course.

RESOLVED: That the report be received and noted.

CB 18/69 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 IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE FUNCTIONS)

CB 18/70 PROPOSED DISPOSAL OF AMENITY LAND AT KEATS ROAD, LARKFIELD

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

Decision Notice D180064CAB

CB 18/71 PROPOSED LEASE AT SWANMEAD SPORTSGROUND, TONBRIDGE

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

Decision Notice D180065CAB

The meeting ended at 8.25 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

Decision No: D180045MEM

Date: 11 June 2018

Decision(s) and Reason(s)

Parking Action Plan

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

The report set out details of the proposed sites and the associated proposals to be included in Phase 10 of the Parking Action Plan together with a list of locations to be held for consideration in future phases of the Plan. Members were reminded of the current procedures and informal consultation process for promoting changes to parking restrictions and it was advised that, separate to the Phased Parking Action Plan, Parking Reviews would be undertaken in Kings Hill, Hildenborough and Hadlow. In addition it was noted that, due to the number, variety, size and scope of requests received in respect of Snodland, the town should be considered for a future Parking Review.

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 10 of the Parking Action Plan; and

(2) the parking issues in Snodland be considered as a separate Parking Review.

Reasons: As set out in the report submitted to the Joint Transportation Board of 11 June 2018.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 15 June 2018

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: D180046MEM

Date: 11 June 2018

Decision(s) and Reason(s)

Parking Action Plan - Review of Zone D2 Business Permits

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

The report set out details of the outcome of a review of Business Permits within the D2 Parking Zone in the Barden Road Area, Tonbridge. A summary of the results of a survey undertaken to identify the location and number of business permit holders parking in the area was set out in Annex 2 to the report.

The report explored the advantages and disadvantages of a number of options which could address the concerns of both residential and business permit holders and support was expressed for Option 3 which would restrict business permits for 'commercial-office' parking to specific underused roads and allow the remaining 'commercial-retail/showroom' businesses to park in the D1 Zone. It was noted that this proposal could be further modified by offering season tickets for the long-stay car parks at a reduced-rate for two years to those business permit holders displaced by this option. It was indicated that the changes could be introduced without a change to the on-street Traffic Regulation Order and that Business permit holders would be advised that the changes would come into effect at the next permit renewal date.

Following consideration by the Joint Transportation Board, the Cabinet Member for Street Scene and Environment Services resolved that:

(1) Option 3 be taken forward to address the concerns around Business Permit Parking in the D1 and D2 Zones; and

(2) the review of D1 and D2 Business Parking Permits be added to the holding list for review as part of the Phased Parking Review.

Reasons: As set out in the report submitted to the Joint Transportation Board of 11 June 2018.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 15 June 2018

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: D180047MEM

Date: 16 July 2018

Decision(s) and Reason(s)

Leybourne Lakes Country Park - Development Opportunities

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

The report provided an update on the investigation of development opportunities at Leybourne Lakes Country Park (LLCP) linked to capital investment. Attention was drawn to the proposed Tender Evaluation Criteria with particular reference to the time frame for procurement and the proposal that the evaluation would be based on the most economically advantageous tender (MEAT) with a Price/Quality split of 40% and 60% respectively. It was noted that the Tender process did not commit the Borough Council to outsourcing the management of the country park.

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

(1) the Evaluation Criteria, as detailed in the report, be approved;

(2) the timeframe, as outlined in the report, be approved; and

(3) Dartford Borough Council be commissioned to administer and support the procurement of the contract.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 16 July 2018.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 20 July 2018

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:** D180048MEM

Date: 16 July 2018

Decision(s) and Reason(s)

Housing Needs Survey

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

The report outlined a proposal to commission detailed housing needs research to inform the Council's strategic approach to housing provision and development management and to assist the consideration of planning applications and liaison with developers and Housing Associations. It was anticipated that the research would provide an insight into the housing needs and aspirations of the Borough's population and show the Council where pressures and local variations of need arose.

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

A Housing Needs Research and Survey, as detailed in the report, be commissioned from Arc4.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 16 July 2018.

Signed Cabinet Member for Housing P Montague

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 20 July 2018

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: D180049MEM

Date: 04 September 2018

Decision(s) and Reason(s)

Environmental Health Performance 2017-18

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

The operational activities of the Borough Council, in relation to its statutory Environmental Health functions, undertaken by the Environmental Protection and Food and Safety Teams for 2017/18 were summarised.

Service improvements related to the approach to air quality management and team procedures were also proposed for 2018/19 and these were set out in paragraph 1.4.1 of the report.

[Members noted a minor correction to the recommendation set out at paragraph 1.8.1 as the dates referred to should be 2017/18 and 2018/19 respectively.]

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

(1) The performance information related to activities associated with the food and safety and environmental protection functions in 2017/18 be noted; and

(2) The service improvements for 2018/19, as detailed in paragraph 1.4.1 of the report, be endorsed.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 4 September 2018.

Signed Cabinet Member for Street Scene and Environment Services: David Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 September 2018

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: D180051MEM

Date: 05 September 2018

Decision(s) and Reason(s)

Borough Economic Regeneration Strategy 2019-2023: Consultation Draft

(Report of Chief Executive)

The report summarised the achievements of the current Borough Economic Regeneration Strategy 2015-2019 and set out details of the proposed consultation process and timescales for the adoption of the Borough Economic Regeneration Strategy 2019-2023. It was noted that the views of the Council's key economic partners and individual local businesses would be sought during the eight week consultation period in October/December 2018 and that it was anticipated that the new Strategy would be formally adopted in the next municipal year.

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

The consultation draft of the Borough Economic Regeneration Strategy 2019-2023 be approved for the purposes of local consultation.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 5 September 2018.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 September 2018

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: D180052MEM

Date: 05 September 2018

Decision(s) and Reason(s)

Innovation Park Medway Masterplan - Consultation Draft

(Report of Chief Executive)

The report provided an update on progress with the illustrative masterplan for Innovation Park Medway promoted by Medway Council and advised that, as an area of the site fell within the Borough, the agreement of Tonbridge and Malling Borough Council was required to progress the comprehensive development. It was noted that a six week consultation on the indicative masterplan would be undertaken between 17 September and 28 October 2018 and anticipated that the revised plan would be reported to Cabinet in January 2019 with a view to adopting it for the purposes of economic development and marketing.

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

The draft of the Innovation Park Medway indicative masterplan be approved for consultation.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 5 September 2018.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 September 2018

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: D180053MEM

Date: 05 September 2018

Decision(s) and Reason(s)

Business Rates Retention Pilots 2019-20

(Joint report of Chief Executive and Director of Finance and Transformation)

The joint report set out the background to the Ministry of Housing, Communities and Local Government (MHCLG) invitation to local authorities to submit bids to participate in the Business Rates Retention Pilots 2019/20 which would allow 75% Business Rates Retention to promote financial sustainability and support strategic decision making across a functional economic area. It was noted that the Kent Council Leaders across Kent and Medway supported the submission of the bid for a further year of pilot status.

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

(1) a bid, with other Kent authorities, for pilot status under the 75% Business Rate Retention Prospectus for 2019/20, be supported; and

(2) the Chief Executive and the Director of Finance and Transformation, in liaison with the Leader and the Cabinet Member for Finance, Innovation and Property, be authorised to 'sign off' the final bid submission.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 5 September 2018.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 September 2018

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: D180054MEM

Date: 17 September 2018

Decision(s) and Reason(s)

The 2019/20 Local Government Finance Settlement Technical Consultation and Invitation to Pilot 75% Business Rates Retention in 2019/20

(Report of Director of Finance and Transformation)

The report provided an overview of "The 2019-20 Local Government Finance Settlement Technical Consultation" and an "Invitation to Local Authorities in England to pilot 75% Business Rates Retention in 2019/20", published by the Ministry of Housing, Communities and Local Government, together with a response to the Technical Consultation.

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

The response to the Technical Consultation (set out at Annex 1 to the report), as agreed with the Leader, the Cabinet Member for Finance, Innovation and Property and the Chairman of the Finance, Innovation and Property Advisory Board, be noted and endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 September 2018.

Signed Cabinet Member for Finance, Innovation and Property	M Coffin
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	21 September 2018

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: D180055MEM

Date: 17 September 2018

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 indicative overall budget position for the year which showed a net adverse variance of £104,000. It was noted that this had arisen because better than budgeted performance had enabled a one-off contribution to the Building Repairs Reserve to fund a number of items of unbudgeted building repair works.

An update was given on capital expenditure and variations agreed in relation to the capital plan. The report also gave an update on the Savings and Transformation Strategy and funding gap and the proposed introduction by CIPFA of a financial resilience index.

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 17 September 2018.

Signed Cabinet Member for Finance, Innovation and Property	M Coffin
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	21 September 2018

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: D180056MEM

Date: 17 September 2018

Decision(s) and Reason(s)

Applications for Discretionary Rate Relief

(Report of Director of Finance and Transformation)

The report gave details of renewal and new applications for discretionary rate relief which were considered in accordance with the previously agreed criteria for determining such applications. Further information was provided in relation to two applicants in accordance with Decision No D180029MEM (1). Consideration was also given to an application for hardship relief.

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 renewal applications discretionary rate relief be awarded as set out at Annex 2 to the report, in the case of the scout/guides groups indefinitely with effect from 1 April 2018; and to the remainder with effect from 1 April 2018 and time limited to 31 March 2020 with Tonbridge Juddians RFC granted 100% relief and K Sports Management Limited 70% relief;

(2) the new applications for discretionary rate relief be determined as follows:

Kent Archaeological Society, Room 20, The Manwaring Building, East Malling Research Station, New Road, East Malling – no discretionary relief be awarded;

Housing & Care 21, Flat 4 Watercress Court, 98 Mill Street, East Malling - no discretionary relief be awarded;

Hospice in the Weald, 19 & 21 Swan Street, West Malling - no discretionary relief be awarded; and

(3) the application for hardship relief in respect of The Green Barn Farmshop Limited, 2 The Pavilion, Tonbridge be refused.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 September 2018.

Signed Cabinet Member for Finance, Innovation and Property	M Coffin
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	21 September 2018

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: D180057MEM

Date: 17 September 2018

Decision(s) and Reason(s)

Rural Rate Relief - Rural Settlement List

(Report of Director of Finance and Transformation)

The report referred to the requirement to review the Council's rural settlement list and recommended that the current list be retained unaltered for the next financial year.

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

The current rural settlement list shown on the map at Annex 1 to the report remain in force for the year 2019/20.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 September 2018.

Signed Cabinet Member for Finance, Innovation and Property	M Coffin
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	21 September 2018

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: D180058MEM

Date: 17 September 2018

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.

It was noted that in future debts over £5,000 would be reported for write off (in accordance with the revised Constitution).

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

The 10 items shown in the schedule of amounts over £1,000, totalling £15,250.74 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 17 September 2018 (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: 21 September 2018

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: D180059MEM

Date: 24 September 2018

Decision(s) and Reason(s)

Parking Action Plan - Phase 10

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

The report presented the outcome of the investigation and informal consultation stages of the 40 parking restriction proposals contained in Phase 10 of the Parking Action Plan and sought approval to proceed to formal consultation in respect of 34 locations. It was noted that 5 locations would not be proceeded with as the changes were no longer required or necessary and that the requested changes at the A20/A25 Wrotham Health were not readily available or were likely to be to the detriment of local residents.

Following consideration by the Joint Transportation Board, the Cabinet Member for Street Scene and Environment Services resolved that, subject to withdrawal of the scheme at Rochester Road, Burham (Location reference 10-29), the recommendations for each location shown in Annex 1 to the report be adopted and, where appropriate, be taken forward to formal consultation.

Reasons: As set out in the report submitted to the Joint Transportation Board of 24 September 2018.

Signed Cabinet Member for Street Scene and Environment Services	D Lettington
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	28 September 2018

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: D180060CAB
Date: 10 October 2018

Decision(s) and Reason(s)

West Kent Partnership - Business Rates Retention Pilot: Housing and Commercial Growth Fund

(Item ERG 18/20 referred from Economic Regeneration Advisory Board minutes of 5 September 2018)

Consideration of recommendations to the Cabinet from the Economic Regeneration Advisory Board of 5 September 2018.

The Cabinet resolved that:

The recommendations of the Economic Regeneration Advisory Board be approved as follows:

The economic projects for West Kent as a whole and those for Tonbridge and Malling as set out at paragraphs 1.1.3 and 1.1.4 of the report be endorsed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 5 September 2018.

Signed Chief Executive: J Beilby

Date of publication: 12 October 2018

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: D180061CAB
Date: 10 October 2018

Decision(s) and Reason(s)

Class C Empty Property Council Tax Discount and Long Term Empty Homes Premium

(Item FIP 18/29 referred from Finance, Innovation and Property Advisory Board minutes of 17 September 2018)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 17 September 2018.

The Cabinet resolved that:

The recommendations of the Finance, Innovation and Property Advisory Board be approved as follows:

(1) the Class C empty property discount be removed with effect from 1 April 2019 for a trial period of one year and a report back on any implications; and

(2) delegated authority be granted to the Director of Finance and Transformation in liaison with the Cabinet Member for Finance, Innovation and Property to apply a long term empty homes premium of 100% from April 2019 if Regulations allow.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 September 2018.

Signed Chief Executive: J Beilby

Date of publication: 12 October 2018

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: D180062CAB
Date: 10 October 2018

Decision(s) and Reason(s)

Garden Communities Prospectus - Expression of Interest

(Report of Director of Central Services and Monitoring Officer)

The report summarised the most recent Garden Communities Prospectus published by the Government and sought approval to prepare an expression of interest for assistance in respect of the strategic development site at Borough Green being promoted through the emerging Local Plan. In view of the 9 November deadline, consideration was given to the delegation of authority to finalise and submit a bid with support from the promoters of the site, Kent County Council and the Local Enterprise Partnership.

The Cabinet resolved that:

(1) the content of the report be noted; and

(2) authority be delegated to the Director of Central Services and Monitoring Officer, in consultation with the Leader and Cabinet Member for Strategic Planning and Infrastructure, to finalise an expression of interest for submission to the Ministry of Housing, Communities and Local Government by 9 November 2018.

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

Signed Chief Executive: J Beilby

Date of publication: 12 October 2018

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: D180063CAB
Date: 10 October 2018

Decision(s) and Reason(s)

Review of Youth Engagement, Sports and Events Development

(Report of Chief Executive)

The report gave details of the recommendations of the Overview and Scrutiny Committee at its meeting on 21 June 2018 regarding a review of the Council's approach to youth engagement, sports and events development. Reference was also made to a number of additional matters highlighted for the Cabinet's consideration.

The Cabinet resolved that:

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

(1) the contribution made by the Council's delivery of Youth Engagement, Sports and Events Services to the achievement of its strategic objectives be acknowledged;

(2) the suggested changes to the existing delivery arrangements as outlined in the report and Annexes 1 – 3 be agreed;

(3) the associated savings of £14,940 to the Council's annual revenue budget be included and reflected in the 2018/19 revised revenue budgets;

(4) additional income generating opportunities be explored to include the potential to re-charge licensing costs to organisers of commercial events and the potential introduction of an administration fee for community events on Council land dependent on, and related to, the scale;

(5) the proposal put forward by the Tonbridge Town Team to establish a joint working group to help co-ordinate and develop events be investigated;

(6) a further review of the costs and benefits of marketing and publicity activities across all Council services be undertaken by the Overview and Scrutiny Committee with a view to reducing such costs where possible;

(7) wider use of social media to promote youth activities be encouraged;

(8) a wider participation of schools across the Borough in the Youth Forum be promoted via the Enterprise Advisor Network; and

(9) a report be made to the Communities and Housing Advisory Board in one year's time to update on progress made in relation to the recommendations arising from the Review of Youth Engagement, Sports and Events Development.

Reasons: As set out in the reports of the Chief Executive to Cabinet and the Director of Street Scene, Leisure and Technical Services to Overview and Scrutiny Committee.

Signed Chief Executive: J Beilby

Date of publication: 12 October 2018

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: D180064CAB
Date: 10 October 2018

Decision(s) and Reason(s)

Proposed Disposal of Amenity Land at Keats Road, Larkfield

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

(Item FIP 18/38 referred from Finance, Innovation and Property Advisory Board minutes of 17 September 2018)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 17 September 2018. As requested, further information was given on the valuation of the land.

The Cabinet resolved that:

The recommendations of the Finance, Innovation and Property Advisory Board be approved as follows:

The area of amenity land at Keats Road, Larkfield be disposed of in line with the conditions set out in the report.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 September 2018 (contains exempt information).

Signed Chief Executive: J Beilby

Date of publication: 12 October 2018

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: D180065CAB
Date: 10 October 2018

Decision(s) and Reason(s)

Proposed Lease at Swanmead Sportsground, Tonbridge

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

(Item FIP 18/39 referred from Finance, Innovation and Property Advisory Board minutes of 17 September 2018)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 17 September 2018. Clarification of the details of the proposed lease was provided as requested.

The Cabinet resolved that:

The recommendations of the Finance, Innovation and Property Advisory Board be approved as follows:

A lease of land adjacent to Swanmead Sportsground Pavilion to the Cricket Club be approved on the basis of the conditions outlined in the report.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 September 2018 (contains exempt information).

Signed Chief Executive: J Beilby

Date of publication: 12 October 2018

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.

- Minutes of the Overview and Scrutiny Committee held on 18 October 2018 are *'to follow'*

TONBRIDGE AND MALLING BOROUGH COUNCIL

MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS

SUPPLEMENT

The following Minutes previously marked 'to follow' are now available:	
Item	Page (s)

20.	18 October: Overview and Scrutiny Committee	3 - 6
	- Minute Numbers: OS 18/29 - 33	

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

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 18th October, 2018

Present: Cllr A K Sullivan (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr P F Bolt, Cllr J L Botten, Cllr R W Dalton, Cllr D Keers, Cllr Mrs F A Kemp, Cllr Mrs S L Luck, Cllr M R Rhodes, Cllr Ms S V Spence, Cllr M Taylor, Cllr Miss G E Thomas and Cllr T C Walker and Mr P J Drury and Mr D Still (Co-opted Members).

Councillors V M C Branson, N J Heslop and D Lettington were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S R J Jessel and Miss S O Shrubsole

PART 1 - PUBLIC

OS 18/29 DECLARATIONS OF INTEREST

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

OS 18/30 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 16 August 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 18/31 ROAD CLOSURES REVIEW

The report of the Chief Executive set out further evidence from key partners regarding the procedures used to implement temporary road closures for community events.

Kent Police provided an overview of the road closure powers available and advised that all events they were notified of would be assessed, including any requirements for traffic management or road closures. It was explained that the decision to issue any traffic order remained with the respective district or county council and the position of Kent Police was to offer advice and guidance to assist event organisers and Safety Advisory Groups.

A statement confirming Kent County Council's support of the procedures used for road closures was attached as Annex 1 to the report. In

addition, the views of all districts on the use of the Town Police Clauses Act (TPCA) for road closures had been sought and these were summarised in Annex 2. It was reported that all the responses received indicated that districts had been using the TPCA for at least some of the road closures, which suggested that their continued use was appropriate for local events.

The financial implications for community groups of not using the TPCA to support local community events involving road closures were outlined. Members noted the potential for the Highway Authority to make a charge of up to £1000 for each event which could prove financially challenging for small organisations.

Members reviewed all the evidence submitted and on balance felt that the approach adopted by the Borough Council in using the Town Police Clauses Act was appropriate. However, the Director of Street Scene, Leisure and Technical Services was invited to liaise with Kent Police, outside the meeting, to clarify what future events might not be covered by the TPCA.

RECOMMENDED: That the continued use of Town Police Clauses Act 1847 for appropriate local community event be confirmed.

OS 18/32 PROVISION OF PUBLIC CONVENIENCES

The Director of Street Scene, Leisure and Technical Services reported that a detailed audit of the Borough Council's current provision of public conveniences had been undertaken. Options considered as part of the review included location and size of facility, facilities provided, opening hours, assessment of current condition and whether there was alternative provision nearby. Also considered were facility closure and retention and potential transfer to Parish/Town Councils.

Attention was drawn to a couple of corrected financial figures summarised below:

- Annual operational cost set out in paragraph 1.1.3 was £135,000
- Existing public convenience cleansing contract set out in paragraph 1.4.1 was valued at £77,500

The reporting error was as a result of misunderstanding around the budget expenditure codes.

Members were advised that a wide range of options were available which reflected that the existing service was of a discretionary nature. A proposed way forward for each existing public convenience within the Borough was attached as Annex 4 to the report and set out identified need or where no suitable alternative facilities were available. In addition, a proposal related to the extension of the current public convenience cleansing contract for 1 year up until 28 February 2020 to

enable adequate time to agree the way forward for each facility was reported.

Finally, the Director of Street Scene, Leisure and Technical Services advised that the review had emphasised the value of and genuine need for public conveniences in local communities.

Members recognised the sensible approach undertaken during the review, based on use, value and cost of the facilities; welcomed the proposals outlined in paragraph 1.5 of the report and felt that transferring costs to communities where possible was a pragmatic approach and supported the proposal to extend the public convenience cleansing contract to ensure that facilities were of a good quality in case of potential transfer of ownership. However, it was commented that if the contract was extended consideration should be given to the frequency of cleansing and increased monitoring of the performance of the contractor.

In addition, Members supported the principle of funding some facilities in Tonbridge via Special Expenses on the grounds of fairness across the Borough, subject to further detail and financial modelling of all options and consideration by the Street Scene and Environment Services Advisory Board.

RECOMMENDED: That

(1) subject to agreement with the existing contractor, the existing public convenience cleansing contract be extended for 12 months in accordance with current contract conditions;

(2) meetings be undertaken with individual Parish/Town Councils to agree the transfer of ownership of the Council's public conveniences currently located in their area;

(3) the existing provision of public conveniences at Leybourne Lakes Country Park, Haysden Country Park, Tonbridge Racecourse Sportsground and Tonbridge Cemetery be retained;

(4) the existing Priory Road and Castle Grounds public conveniences in Tonbridge be retained;

(5) the existing Angel Centre public toilets be closed with the public redirected to existing alternative provision;

(6) further investigation be undertaken into the suitability of alternative toilets in the vicinity of Tonbridge Castle to determine the future provision of Castle Grounds toilets;

(7) the Building & Estates Manager be requested to bring forward an improvement programme for those facilities to be retained/transferred; and

(8) future reports be submitted to the Street Scene & Environment Services Advisory Board on the outcome of the review, accompanied by an Equality Impact Assessment and financial appraisal.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 18/33 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.40 pm