

TONBRIDGE & MALLING BOROUGH COUNCIL



MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS 2019 VOL. 1 - 4

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

COUNCIL MEETING

Tuesday, 30th October, 2018

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 30th October, 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 Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, 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 R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr 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, M C Base, V M C Branson, M A Coffin, S M Hammond, M R Rhodes, C P Smith, Ms S V Spence and B W Walker

PART 1 - PUBLIC

C 18/67 DECLARATIONS OF INTEREST

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

C 18/68 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 31 July 2018 be approved as a correct record and signed by the Mayor.

C 18/69 MINUTES OF EXTRAORDINARY MEETING

RESOLVED: That the Minutes of the proceedings of the extraordinary meeting of the Council held on 12 September 2018 be approved as a correct record and signed by the Mayor.

C 18/70 MINUTES OF EXTRAORDINARY MEETING

RESOLVED: That the Minutes of the proceedings of the extraordinary meeting of the Council held on 18 September 2018 be approved as a correct record and signed by the Mayor.

C 18/71 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since the July meeting, she had visited many school fetes, plays and award presentations. Some memorable events included the Tonbridge Lions Diabetes Screening, Ightham Mote's Garden Party, the World War 1 event at Tonbridge Castle, TPS Global Logistics presentation of the Queen's Award and the Dragon Boat Race. She had also attended Kings Hill Rotary Club's Charity Beer, Cider and Music Festival, Liberty Property Trust's Heritage Open Day at the Control Tower, the launch of Music@Malling, the Young Cricket Leaders presentation at Lords Cricket Ground and a Trafalgar Day event at Wouldham School.

The Mayor commented on the successful Local Schools Debate in the Council Chamber on 12 October, involving 51 children. Future mayoral events included the Charity Night at the Oast Theatre on 22 January and the Quiz at Hadlow College on 9 February 2019.

The Mayor was then presented with a copy of the New Testament and Psalms by Mr Peter Turner of Gideons International.

C 18/72 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 18/73 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 18/74 LEADER'S ANNOUNCEMENTS

Before updating Members on a range of activities since the July Council meeting, the Leader took the opportunity to welcome Steve and Carol Humphrey as observers of the proceedings prior to the former Director of Planning, Housing and Environmental Health receiving a presentation by the Mayor on behalf of the Council in recognition of his service.

Financial matters

The Leader referred to the previous day's Budget Statement from the Chancellor of the Exchequer in which there were a number of tax and

spending announcements of relevance to local government. While the exact timing of the local government settlement was not clear, it appeared likely that the government would confirm the intention of the consultation on negative revenue support grant, in itself a temporary piece of good news for the Council. However, the future for New Homes Bonus was unknown together with the outcome of the Spending Review next year and Fairer Funding Review.

The Leader said that Members would be aware that the Kent and Medway authorities had been successful in bidding for the pilot of the business rates retention for 2018/19. The package available was divided two ways: one was a financial sustainability fund and for this authority should amount to a sum of around £800,000 as a one-off payment by the end of the fiscal year. This did not count towards the savings target but would provide an opportunity to invest.

The second pot was a Housing and Commercial Growth Fund to support investment in local economic initiatives. Kent Leaders had agreed that the funding would be distributed across Kent and Medway via three clusters: West Kent, North Kent (including Maidstone) and East Kent with Kent County Council being part of each cluster group.

The initial projection was that the West Kent cluster would receive funding in the region of £1,055,000. Based on current projections, this had now been revised upwards to circa £1,520,000 subject to ongoing performance in 2018/19. However, a final sum could not be confirmed until the end of the fiscal year.

Members were advised that the Kent Leaders had also agreed that the West Kent Partnership would receive and administer funding for the West Kent cluster. The outcome was that a number of projects would be supported across West Kent such as provision of support and advice to smaller businesses wishing to grow and expand.

Each West Kent authority additionally had its own allocation and, on the advice of the Economic Regeneration Advisory Board, it had been agreed to support a number of initiatives across the Borough. These included a grant scheme of up to £5,000 to independent shopkeepers to help renovate and improve their shop fronts, support for pop-up shops and creative start-ups and a Tourism Promotion Campaign for Malling, working with Visit Kent to develop a campaign to promote the tourism offer in the Malling area. At its next meeting, the Economic Regeneration Advisory Board would consider the arrangements for the Commercial Frontages Grant Scheme.

As reported to the Finance, Innovation and Property Advisory Board, the Kent and Medway Councils had made a bid for the second pilot of the Business Rate Retention in 2019/20. This time it was for 75% retention so the sums involved would be scaled down but the outcome of the bidding process was awaited.

Local Plan

The Leader mentioned that the Local Plan was now out to consultation through the Regulation 19 process, the purpose of which was to inform

the Inspector at the Local Inquiry to be held next year. The consultation period had been extended by a week to 19 November having considered the request for an extension including from Parish Councils. The volume of work associated with the regulation 19 exercise was significant for the whole team and the Leader wished to place on record his appreciation for their professionalism in managing the exercise.

Waste Services Contract

Reference was made to the award of an eight-year contract for a new recycling and waste collection and street cleansing service to Urbaser Ltd. The Leader indicated that the new contract would begin on 1 March 2019 and realise an improved recycling service for the residents as well as enhanced street cleansing services. The Street Scene and Environment Services Advisory Board would give further consideration to the roll-out of the new service, including how best to get information to residents, at its meeting the following Monday.

Property management

The Leader was pleased to advise Members that the proposed sale of the Teen & Twenty site to Assura and the Tonbridge Medical Group was imminent. Work was expected to commence on site next month for the construction of a new state of the art medical centre by March 2020.

The six temporary accommodation flats purchased in Tonbridge town centre now had their first residents, giving the Borough Council the option for providing such accommodation. Preventing homelessness was an objective that officers worked very hard to achieve.

M26

The Leader reported that today he joined the leaders of Kent County Council, Sevenoaks District Council and the MPs for Sevenoaks and Tonbridge and Malling in making representations to the roads minister about the Highways England proposal for using the M26 to stack lorries if and when the channel ports were closed after Brexit. The meeting was helpful if not robust and the discussions with the representatives were ongoing.

New Director

The Leader was pleased to advise that an offer had been made for the appointment of a new Director of Planning, Housing and Environmental Health and the Chief Executive would make a formal announcement once the appointment had been confirmed.

Voluntary groups

The Leader indicated that the contribution of the various voluntary groups within the Borough was worthy of celebration. In that spirit, he was pleased to attend a recent celebration of volunteering held in the Borough and present certificates to a number of particularly dedicated volunteers. There were, he said, many unsung folk within the local communities who, day in, day out, played their part without fanfare or glory.

Remembrance

Finally and by no means least, the Leader referred to the approach of Remembrance Sunday, this year being particularly significant as the 100th anniversary of the end of World War One was marked.

The Mayor would be attending services in Tonbridge and West Malling, the Deputy Mayor those in Aylesford and Kings Hill and Councillor Luker was representing the Mayor at a service to be held in Snodland. There were other services throughout the Borough that individual Members would attend. The Chief Executive and Leader would be attending services in Tonbridge and Aylesford and the Director of Finance and Transformation at West Malling.

In addition to the Remembrance Services taking place across the Borough, there would be the lighting of a beacon at Tonbridge Castle at 7pm.

C 18/75 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES FOR GAMBLING

Item LA 18/103 referred from Licensing and Appeals Committee minutes of 2 October 2018

RESOLVED: That the recommendations at Minute LA 18/103 be approved.

C 18/76 REVISED STATUTORY INVESTMENT GUIDANCE AND TREASURY MANAGEMENT AND PRUDENTIAL CODES OF PRACTICE

Item CB 18/59 referred from Cabinet minutes of 10 October 2018

RESOLVED: That the recommendations at Minute CB 18/59 be approved.

C 18/77 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW 2018/19

Item CB 18/60 referred from Cabinet minutes of 10 October 2018

RESOLVED: That the recommendations at Minute CB 18/60 be approved.

C 18/78 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 7.50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 7th November, 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 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, 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 Mrs S M Barker and M A Coffin

PART 1 - PUBLIC

AP2 18/41 DECLARATIONS OF INTEREST

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

AP2 18/42 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 26 September 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 18/43 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. 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 18/44 (A) TM/17/03471FL & (B) TM/17/03472/LB -
GREAT BUDDS HOUSE, MOTE ROAD, SHIPBOURNE**

(A) Sub-division of existing site containing one 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 one 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 dwellings at Great Budds House, Mote Road, Shipbourne.

RESOLVED: That

(1) In respect of Application (A) TM/17/03471/FL planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health, subject to

- (i) The amendment of the plans cited as follows
- Site Plan 003 P1 replaced by 003 P2;
 - Part Site Plan 004 to be referenced.

(ii) The amendment of Condition 2 to read:

2. The residential use of the barn or Oast shall not be commenced before a scheme of hard and soft landscaping and boundary treatment has been submitted to and approved by the Local Planning Authority. The scheme shall include a plan which denotes the extent (length and width) of the public right of way across the application site, any measures proposed to differentiate this from the remainder of the site whilst ensuring it remains available for use at all times. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, 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: In the interests of visual and rural amenity.

(iii) The addition of the following Conditions:

6. 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 003 P2 received on 7.11.2018

Reason: In the interests of rural amenity.

7. The residential use of the barn or Oast shall not be commenced until the area shown on drawing number 004 P1 received on 7.11.2018 as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in the interests of rural amenity.

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

Reason: In the interests of rural amenity.

9. The outbuildings identified on plan number 004 P1 received on 7.11.2018 shall be used only for purposes incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried out therefrom.

Reason: To safeguard the amenities and interests of the occupants of other properties and in the interests of rural amenity.

(iv) The amendment of Informative 1 to read:

1. In seeking to meet the requirements of Condition 2, the applicant is reminded that no gates should be installed on a Restricted Byway and no vehicles should be parked in a way to obstruct legitimate users of the byway. The submitted landscaping scheme should therefore have full regard to this requirement to avoid any future conflicts arising.

- (2) In respect of Application (B) TM/17/03472/LB Listed Building consent 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: Councillor N Tyler, Shipbourne Parish Council; Mr D Prichard and Mr G Krygier – members of the public and Mr N Edwards, Architect for the Applicant]

AP2 18/45 TM/18/01755/FL - 61 OFFHAM ROAD, WEST MALLING

Erection of a detached 2 storey dwelling to the rear of 61 Offham Road, West Malling

RESOLVED: That the application be DEFERRED for a Members' site inspection.

[Speakers: Mrs J Beale, Mrs G Fox and Mr C Smith – members of the public; and Ms K Kenny on behalf of the Applicant]

AP2 18/46 (A) TM/17/02705/FL & (B) TM/18/01172/LB - BUTCHERS COTTAGE, STUMBLE HILL, SHIPBOURNE

- (A) Demolition of existing low brick side boundary wall and provision of a new hard surfaced parking area in front garden with new picket fencing. Existing parking area to be returned to domestic garden and front boundary picket fence to be reinstated
- (B) Listed Building Application: Demolition of existing low brick side boundary wall and provision of new picket fencing to facilitate new parking area in front garden at Butchers Cottage, Stumble Hill, Shipbourne

RESOLVED: That

- (1) In respect of Application (A) TM/17/002705/FL planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health; and
- (2) In respect of Application (B) TM/18/01172/LB Listed Building consent be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health.

[Speaker: Councillor N Tyler, Shipbourne Parish Council]

AP2 18/47 TM/18/01840/FL - SCHOOL LANE COTTAGE, SCHOOL LANE, SHIPBOURNE

Conversion of existing outbuilding containing garage/residential accommodation to a 3 bedroom dwelling with single storey rear and side extension and roof enlargement (Amendment to 17/01741/FL) at School Lane Cottage, School Lane, Shipbourne.

RESOLVED: That the application be REFUSED for the reasons set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Councillor N Tyler, Shipbourne Parish Council and Mr T Mills, Applicant]

AP2 18/48 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.

Further to Minute AP2 18/39 of the meeting held on 26 September 2018 the Committee considered the above application together with the report of the Director of Central Services set out in Part 2 of the agenda (Minute AP2 18/50 refers). The recommendation set out in the report of the Director of Planning, Housing and Environmental Health to approve the planning application was rejected and it was

RESOLVED: That the application stand ADJOURNED for determination by the full Council in accordance with Rule 15.25 of the Council and Committee Procedure Rules.

MATTERS FOR CONSIDERATION IN PRIVATE

AP2 18/49 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

AP2 18/50 TM/18/00357/OA - THE NURSERY, TAYLORS LANE, TROTTISCLIFFE

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

At the meeting of the Area 2 Planning Committee held on 26 September 2018 consideration of the application was deferred for a report from Legal Services on the risks arising from refusal on the grounds of viability and harm to the Green Belt (Minute AP2 18/39 refers). The report of the Director of Central Services and Monitoring Officer provided an assessment of the risks arising from a resolution to refuse planning permission and advised that any such resolution would be a recommendation to the Council and the matter would stand adjourned.

The report further advised that similar consideration would apply in the event of non-determination.

RESOLVED: That the report be NOTED.

The meeting ended at 9.34 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 22nd November, 2018

Present: Cllr M Parry-Waller (Chairman), Cllr T Bishop, Cllr Mrs B A Brown, Cllr R W Dalton, Cllr D A S Davis, Cllr S M Hammond, Cllr D Keeley, Cllr S M King, Cllr D Lettington, Cllr D Markham, Cllr Mrs A S Oakley, Cllr R V Roud and Cllr A K Sullivan

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 M C Base (Vice-Chairman), Mrs S Bell, T I B Cannon, Mrs T Dean, D Keers and T C Walker

PART 1 - PUBLIC

AP3 18/18 DECLARATIONS OF INTEREST

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

AP3 18/19 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 4 October 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 18/20 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 18/21 TM/17/02971/OA - DEVELOPMENT SITE, EASTERN PART OF FORMER AYLESFORD QUARRY, ROCHESTER ROAD, AYLESFORD

Outline application with all matters reserved except for access: Demolition of existing buildings, structures and hardstanding, land raising of development area, development of up to 146 dwellings as a mix of houses and apartments and provision of a local centre for Use Classes A2 (financial and professional services), A3 (cafe/restaurant), D1 (clinics/creche) and D2 (assembly and leisure) up to a total floorspace of 1,256 sq m (13,519 sq ft), and provision of new access road and pedestrian/cycle access, and provision of open space at Development Site, Eastern part of former Aylesford Quarry, Rochester Road, Aylesford.

RESOLVED: That

- (1) with regard to matters known to the Local Planning Authority at the present stage, the Secretary of State (through his Inspector) and the Appellant be advised that, had the Local Planning Authority been in a position to determine the application at this time, it would have **Refused Outline Planning Permission** on the basis of, and having regard to the reasons set out in the report; and
- (2) it be NOTED that Officers will continue to update the Planning Committee through regular information reports and/or briefing sessions as deemed appropriate in liaison with the Chairman on the matters set out in paragraph 7.2 of the report.

PART 2 - PRIVATE**AP3 18/22 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.41 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 27th November, 2018

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

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

Apologies for absence were received from Councillors Mrs S M Barker, M C Base, S M King and F G Tombolis

PART 1 - PUBLIC

LA 18/107 DECLARATIONS OF INTEREST

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

LA 18/108 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 2 October 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 18/109 REMOVAL OF PROBATIONARY LICENCES FROM HACKNEY CARRIAGE AND PRIVATE HIRE POLICY - CONSULTATION

Further to Minute LA 18/105, the report of the Director of Central Services and Monitoring Officer gave details of the outcome of the consultation on the Hackney Carriage and Private Hire Licensing Policy with all references to the probationary driver licence removed. This included four responses from the Licensing team reflecting the change in delegations from the recently amended Constitution and the need to have regard to new guidelines published by the Institute of Licensing. Consideration was given to the revised Policy containing the proposed changes.

RECOMMENDED: That the draft Hackney Carriage and Private Hire Licensing Policy set out at Annex 1 to the report be approved by the Council.

***Referred to Council**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

LA 18/110 REVIEW OF LICENSING FEES AND CHARGES 2019/20

The report of the Director of Central Services and Monitoring Officer presented proposed fees and charges for 2019/20 in respect of hackney carriage and private hire licences, pleasure boats and boatmen, scrap metal dealers, animal welfare licences, street trading consents, sex establishments and acupuncture/tattooing.

It was noted that the provisions of the European Union Services Directive had been taken into account in setting the fees, together with a recent judgment of the Supreme Court which clarified the type of costs that could properly be covered. Whilst taxi licensing was exempt from this ruling, Annex 2 to the report set out details of the fee model showing officer cost and time in validating, processing, issuing and enforcement cost where applicable.

It was noted that animal welfare licence applications were being monitored and an update would be presented to the next meeting.

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 2019.

LA 18/111 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 12th December, 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 R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, 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

Councillor 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, S R J Jessel and P J Montague

PART 1 - PUBLIC

AP2 18/51 DECLARATIONS OF INTEREST

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

AP2 18/52 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 7 November 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 18/53 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 18/54 TM/18/01755/FL - REAR OF 61 OFFHAM ROAD, WEST MALLING

Erection of a detached 2 storey dwelling to the rear of 61 Offham Road, West Malling.

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

- (1) The proposed development by virtue of the siting, scale, massing and height of the new dwelling, when combined with its close proximity to the west boundary shared with the immediate neighbour (63 Offham Road) and the particular layout of that neighbouring plot, would result in an intrusive and dominant form of development when viewed for 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: Mrs G Fox, member of the public and Ms K Kenny, on behalf of the applicant]

AP2 18/55 TM/17/02688/RD - PHASE 3, PLATT INDUSTRIAL ESTATE, MAIDSTONE ROAD, PLATT

Details submitted pursuant to Condition 23 (junction safety measures) of planning permission TM/16/01766/FL (Erection of 3 Industrial buildings for mix of B2 (General Industry) and B8 (Storage/Distribution) use, and associated vehicle access and parking) at Phase 3 Platt Industrial Estate, Maidstone Road, Platt.

Members noted a minor correction at paragraph 1.1 of the report and the A20 should read A25 Maidstone Road.

RESOLVED: That reserve details be APPROVED subject to the completion and submission of an amended Unilateral Undertaking reflecting the s278 highway works already carried out.

[Speakers: Mr Brian Biggs – Platt Parish Council]

AP2 18/56 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 20.35 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 17th January, 2019

Present: Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman),
Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M O Davis,
Cllr Mrs M F Heslop, 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 P A Bates,
P F Bolt, J L Botten, D J Cure and F G Tombolis

PART 1 - PUBLIC

AP1 19/1 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in application TM/18/02684/FL (Hilden Oaks School, 38 Dry Hill Park Road, Tonbridge) on the grounds of his status as partner of Warners Solicitors who had acted for the applicant. He withdrew from the meeting and took no part in the discussion for this agenda item.

AP1 19/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 5 April 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)

AP1 19/3 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 19/4 TM/18/02488/FL - PRIMROSE INN, 112 PEMBURY ROAD, TONBRIDGE

Demolition of the existing Primrose Public House and redevelopment of the site to provide 4 no. dwelling houses and 2 no. apartments with associated access, parking, infrastructure and landscaping at Primrose Inn, 112 Pembury 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 applicant entering into a planning obligation under s106 of the Town and Country Planning Act 1990 (as amended) to make a financial contribution towards public open space;

(2) Amended Condition:

10. No above ground development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment. The details shall include means for the provision of permeable surfacing to areas of hardstanding throughout the development. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, 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.

(1) Addition of Conditions:

12. Prior to the commencement of the development hereby approved, arrangements for the management of all construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;

- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
- Procedures for notifying neighbouring properties as to the ongoing timetabling of works, the nature of the works and their likely duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of residential amenity and highway safety in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

13. No building shall be occupied until works for the disposal of surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of pollution prevention.

[Speakers: Lesley Penney – member of the public; Sir Paul Britton – on behalf of the Tonbridge Civic Society and John Collins – agent]

AP1 19/5 TM/18/02222/FL - RIVERBANK HOUSE, ANGEL LANE, TONBRIDGE

Rooftop extension to provide 8 additional 2 bed flats at Riverbank House, Angel Lane, Tonbridge.

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

- (1) The applicant entering into a planning obligation under s106 of the Town and Country Planning Act 1990 (as amended) to make a

financial contribution towards the improvement of existing open spaces within the local area;

(2) Amended Condition:

5. Prior to the commencement of the development hereby approved, arrangements for the management of all construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
- Procedures for notifying the existing residents of Riverbank House as to the ongoing timetabling of works, the nature of the works and their likely duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of residential amenity and highway safety in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

AP1 19/6 TM/18/02684/FL - HILDEN OAKS SCHOOL, 38 DRY HILL PARK ROAD, TONBRIDGE

Retrospective application for erection of a canopy attached to the Acorn building at Hilden Oaks School, 38 Dry Hill Park Road, Tonbridge.

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

- (1) The development, by virtue of its overall height, scale, detailed design and use of materials, when viewed relative to the host building appears as an incongruous structure, out of keeping with the appearance of the host building and harmful to the visual amenities of the wider locality including the character and appearance of the designated Conservation Area, which as a result is not preserved. The development is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment DPD 2010, the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and paragraphs 192 and 193 of the National Planning Policy Framework 2018.
- (2) Members requested that enforcement action commenced immediately given that this application sought retrospective planning permission.

[Speakers: Lisa Gibbard, Peter Seldon and Steve Johnston – members of the public; Mrs Kathy Joiner on behalf of Hilden Oaks School]

AP1 19/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.25 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 21st January, 2019

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 P Dossett (Partner) and Mr A Ayre (Manager)

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

An apology for absence was received from Councillor S R J Jessel

PART 1 - PUBLIC

AU 19/1 DECLARATIONS OF INTEREST

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

AU 19/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 1 October 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

AU 19/3 RISK MANAGEMENT STRATEGY

The report of the Management Team invited Members to review the Risk Management Strategy and accompanying Risk Management Guidance 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.

RECOMMENDED: That the Risk Management Strategy and accompanying Risk Management Guidance be commended to Cabinet for adoption by Council.

AU 19/4 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2019/20

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 and introduced the 2019/20 Treasury Management and Annual Investment Strategy.

RECOMMENDED: That the following be commended to the Council

- (1) the treasury management position as at 31 December 2018 and the higher level of income incorporated in the 2018/19 revised estimates be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2019/20, as set out at Annex 4 to the report, be adopted.

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

**AU 19/5 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.

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 19/6 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 19/7 ANNUAL REVIEW OF ANTI-MONEY LAUNDERING POLICY

The report of the Director of Finance and Transformation set out details of the annual review of the Council's Anti-Money Laundering Policy and associated guidance notes. 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 supporting guidance notes, as set out at Annexes 1 and 2 to the report, be approved.

AU 19/8 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 2018/19 Financial Statements.

RESOLVED: That the Accounting Policies to be used in the preparation of the 2018/19 Financial Statements, as set out at Annex 1 to the report, be approved.

AU 19/9 PROPOSED SCALE OF AUDIT FEES 2019/20

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 2019/20 financial statements. It was noted that the scale was the same as that set for 2018/19.

RESOLVED: That the proposed scale of audit fees for 2019/20 be noted.

MATTERS SUBMITTED FOR INFORMATION

AU 19/10 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 2018.

RESOLVED: That the report be received and noted.

AU 19/11 GRANT THORNTON CERTIFICATION LETTER 2017/18

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 2017/18. It was noted that no amendments were required to the subsidy claim after the audit and Members congratulated the team for their performance record.

RESOLVED: That the report be received and noted.

AU 19/12 GRANT THORNTON - 2018/19 AUDIT PLAN AND PROGRESS REPORT

The report of the Director of Finance and Transformation introduced two papers from the external auditors, the 2018/19 Audit Plan and Audit Progress Report and Sector Update. The Committee had earlier

welcomed to the meeting Mr Paul Dossett, a Partner at Grant Thornton, together with Andy Ayre (Audit Manager), who presented the reports.

RESOLVED: That the report be received and noted.

AU 19/13 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 22nd January, 2019

Present: Cllr A K Sullivan (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr J L Botten, Cllr R W Dalton, Cllr D Keers, Cllr Mrs S L Luck, Cllr M R Rhodes, Cllr Miss S O Shrubsole, Cllr Miss G E Thomas and Cllr T C Walker

Councillors T I B Cannon, 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 J A Anderson, P F Bolt, Mrs F A Kemp, Ms S V Spence, Mr P J Drury and Mr D Still

PART 1 - PUBLIC

OS 19/1 DECLARATIONS OF INTEREST

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

OS 19/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 18 October 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 19/3 REVENUE ESTIMATES 2019/20

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 2019/20 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 which was relatively positive for Tonbridge and Malling given the removal of the "negative RSG" payment for one year, the fact that the baseline for payment of New Homes Bonus would remain at 0.4%, and the Secretary of State's decision to maintain the threshold for triggering a referendum on council tax increase at the higher of 3% or £5. However, Members were advised that the settlement should be viewed in the context of a lack of information about future years' funding and impact on the funding gap which would have to be revisited in the

light of the outcome of the 2019 Spending Review and Fair Funding Review. In addition, the Kent and Medway authorities' bid for the next pilot in respect of 75% business rates retention had failed despite the success of the previous pilot.

Alongside the provisional settlement, the Secretary of State had published two further consultation papers on the review of relative needs and resources and business rates retention reform. In view of the timescales involved and the programming of meetings, it was suggested that delegated authority be given for a response to be made as appropriate.

The report set out the framework for considering the estimates in terms of the MTFs together with a number of Service specific issues. Attention was drawn to partnership funding pressures on Disabled Facilities Grants, public health initiatives and the Community Safety Partnership which it was suggested should be the subject of reviews by the Committee.

The report indicated the factors to be taken into account when updating the MTFs and Savings and Transformation Strategy (STS). Progress was reported on savings achieved and the current funding gap. 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.

RECOMMENDED: That

- (1) the proposed increase in the minimum General Revenue Reserve balance from £2.0m to £3.0m be noted and endorsed;
- (2) the response made to the provisional local government finance settlement 2019/20, as set out in Annex 1 to the report, be noted;
- (3) delegated authority be given to the Director of Finance and Transformation, in liaison with the Cabinet Member for Finance, Innovation and Property, to respond to the two further papers published alongside the provisional settlement as detailed at paragraph 1.3.10 of the report;
- (4) the Overview and Scrutiny Committee be asked to review the service areas Disabled Facilities Grants, Public Health and Community Safety Partnership, as detailed at paragraph 1.7 of the report;
- (5) the draft Revenue Estimates contained in the Booklet be endorsed for consideration by the Cabinet at its special meeting on 14 February 2019; and

- (6) the Savings and Transformation Strategy be updated to reflect the latest projected “outstanding” funding gap as part of the budget setting process.

OS 19/4 CAPITAL PLAN REVIEW 2018/19

Consideration was given to the report of the Director of Finance and Transformation which set out progress on the 2018/19 Capital Plan Review and sought endorsement of recommendations to the Cabinet. Particular reference was made to the three schemes added to List A during the year and those recommended for fast-track evaluation and transfer to List B.

RECOMMENDED: That

- (1) the recommendations of the Finance, Innovation and Property Advisory Board of 9 January 2019, 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 19/5 BREXIT PREPAREDNESS

The report of the Management Team set out a range of initiatives being pursued to ensure the Borough Council was prepared to maintain business continuity in the light of possible disruption related to Brexit issues. It was noted that the key concern for Tonbridge and Malling was potentially major traffic congestion affecting the M20/A20/M26 corridor and surrounding roads in the event of severe delays at Kent ports.

Reference was made to the Council’s involvement with the Kent Resilience Forum (KRF) including preparation and management of all current draft Brexit related plans (Operation Fennel). The report set out proposed actions in respect of a range of issues including the need for remote working of staff, impact on key Council services, options for decision making if Members and staff were unable to attend council meetings due to congestion, any disruption to the local government elections on 2 May, communications and call-handling, and funding for strengthening staff resources in a number of areas.

Members were advised that a bid had been made to the Brexit Contingency Fund, managed by Kent County Council, for funding the purchase of laptops for officers to work from home to maintain essential services. The Chief Executive indicated that the report aimed to reassure Members and the community that the Council had made appropriate contingency arrangements in response to the possible impact of Brexit and for other reasons such as severe weather or the current M20 smart motorway works.

RECOMMENDED: That

- (1) the report be noted and further updates be provided as more information becomes available; and
- (2) the current urgency provisions in the Council's Constitution and Policy Framework be extended to include "arrangements for decision making during a period of serious and/or unexpected disruption".

MATTERS SUBMITTED FOR INFORMATION**OS 19/6 SCRUTINY REVIEW PROGRAMME 2019/20**

The joint report of the Chief Executive and Chairman of the Committee set out proposals for future reviews to March 2020. The Committee was advised that the review of the Gibson Building was awaiting a response from Kent County Council in respect of the covenants on the building and would be scheduled into the programme as soon as it had been received. Members were invited to submit other suggestions for reviews to the Scrutiny and Partnerships Manager.

RESOLVED: That the report be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE**OS 19/7 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.46 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 23rd January, 2019

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 S R J Jessel, Cllr Mrs S L Luck, Cllr P J Montague, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison and Cllr Miss S O Shrubsole

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 M A Coffin, L J O'Toole, T B Shaw and M Taylor

PART 1 - PUBLIC

AP2 19/1 DECLARATIONS OF INTEREST

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

AP2 19/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 12 December 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 19/3 DEVELOPMENT CONTROL

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

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

AP2 19/4 TM/18/02642/FL - LAND AT WEST OF STATION ROAD NORTH, WEST MALLING

Use of land to provide station car parking and new access at land west of Station Road North, West Malling.

RESOLVED: That planning permission be DEFERRED for a Members' Site Inspection

[Speakers: Richard Byatt – West Malling Parish Council; Nigel Numas – Member of the public and Gavin Cooper - agent]

AP2 19/5 TM/18/02444/FL - 246 BUTCHERS LANE, MEREWORTH

Erection of detached dwelling at 246 Butchers Lane, Mereworth.

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

- (1) The development by virtue of its overall size and layout when considered within the context of the restricted size and shape of the plot could not be satisfactorily accommodated and would appear as an unduly cramped form of development, which would cause demonstrable visual harm to the street scene and the amenities of the wider locality. As such, the proposed development is contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment DPD 2010 and the requirements of paragraphs 127 and 130 of the National Planning Policy Framework 2018.

[Speakers: Andrew Wells – Mereworth Parish Council; Michael Collins, Stephen Reynolds, Susan Bowman, Irene Collins, Ted Muggridge, Gary Bowman and Sarah King-Pascoe (statement read by Susan Bowman) – members of the public and Paull Trigg - agent]

AP2 19/6 TM/18/01627/TNCA - LAND ADJACENT TO OLDBURY HATCH, OLDBURY LANE, IGHTHAM

Removal of 18 Beech; 1 Pine; 5 Hornbeam; 6 Acacia; 1 Oak; 2 Holly and 1 Silver Birch trees from garden to be replaced with various different species at land adjacent to Oldbury Hatch, Oldbury Lane, Ightham.

RESOLVED: That the Tree Preservation Order, as set out in Annex 1 to the report, be CONFIRMED in the interests of amenity and to protect the trees in question.

AP2 19/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Thursday, 24th January, 2019

Present: Cllr Mrs J A Anderson (Chairman), Cllr D Keers (Vice-Chairman), Cllr O C Baldock, Cllr Mrs S M Barker, Cllr Mrs B A Brown, Cllr Mrs F A Kemp, Cllr S M King and Cllr R V Roud

Apologies for absence were received from Councillors Mrs P A Bates, M A Coffin and H S Rogers

PART 1 - PUBLIC

LA 19/1 DECLARATIONS OF INTEREST

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

LA 19/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 27 November 2018 be approved as a correct record and signed by the Chairman.

LA 19/3 MINUTES OF PANEL

There had been no meetings of the Licensing and Appeals Committee sitting as a Panel since the last meeting of the Committee.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

LA 19/4 STATEMENT OF LICENSING POLICY 2019-2024 CONSULTATION

The report of the Director of Central Services and Monitoring Officer gave details of the process for the five yearly review of the Council's Statement of Licensing Policy and presented a draft Statement for the period 2019 – 2024 for public consultation. Reference was made to a number of textual amendments received from the Chairman.

RESOLVED: That the draft Statement of Licensing Policy 2019 – 2024 set out at Annex 1 to the report be approved for public consultation.

LA 19/5 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.55pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 25th January, 2019

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs B A Brown and
Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 19/6 DECLARATIONS OF INTEREST

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

LA 19/7 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 PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

**LA 19/8 REVIEW OF A PRIVATE HIRE OPERATOR LICENCE –
CASE NO 01/2019**

(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 publication of the agenda, the Operator subject to the review had advised that he was unable to attend the Hearing. The Panel therefore

RESOLVED: That consideration of Case No 01/2019 in respect of the review of a Private Hire Operator's Licence be DEFERRED to a future meeting of the Licensing and Appeals Panel.

The meeting ended at 10.14am
having commenced at 10am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 25th January, 2019

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs B A Brown and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 19/9 DECLARATIONS OF INTEREST

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

LA 19/10 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)

LA 19/11 COMPLAINT IN RESPECT OF A PRIVATE HIRE DRIVER LICENCE HOLDER - CASE NO 02/2019

(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 his bad behaviour towards another road user.

The Panel was advised that a complaint had been received from a member of the public regarding the licence holder's behaviour towards her and his poor driving. The Panel noted that the incident had been recorded on another road user's dash cam which had been supplied to the Licensing Team and was shown to the Panel at the Hearing. The licence holder admitted that he had made a mistake during the incident and apologised.

In its deliberations the Panel took into account the Council's Taxi Licensing and Enforcement Policy as well as the Institute of Licensing guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trade. In particular, section 3.32 of the guidance issued in April 2018 stated that

'Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them'.

The Panel found that the licence holder had been confrontational, deliberately tried to intimidate the complainant and had also contravened traffic laws by crossing a solid white line.

For these reasons the Panel

RESOLVED: That Private Hire Driver's Licence Number 18/00038/PHDL be SUSPENDED for a period of one year.

The meeting ended at 12.08 pm
having commenced at 11 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 28th January, 2019

Present: Cllr O C Baldock (Chairman), Cllr M A C Balfour, Cllr M A Coffin, Cllr N J Heslop, Cllr B J Luker and Cllr C P Smith

Councillors Mrs J A Anderson, D J Cure and M R Rhodes 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, P F Bolt and R V Roud

PART 1 - PUBLIC

GP 19/1 DECLARATIONS OF INTEREST

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

GP 19/2 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 8 October 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 19/3 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Chief Executive reported on the Review of Polling Districts and Polling Places and set out the proposals recommended by the Electoral Review Working Group on 14 January 2019.

It was noted that appropriate changes arising from these proposals would be made to the Register with effect from 1 March 2019.

The Chairman indicated that there had been an in-depth discussion at the Electoral Review Working Group and a number of views had been considered.

RECOMMENDED: That the final proposals, set out in Annex 1 to the report, be approved by Council.

***Referred to Council**

GP 19/4 LOCALISM ACT PAY POLICY

The report of the Director of Central Services summarised the requirements of the Localism Act 2011 and presented an updated Pay Policy Statement for 2019/20

Members noted that as there had not been any changes in the Borough Council's remuneration policy, the substantive content of the updated Pay Policy Statement, attached as Annex 1 to the report, was identical to the authority's first Pay Policy Statement adopted by Council on 16 February 2012.

RECOMMENDED: That the Pay Policy Statement, attached as Annex 1 to the report, be commended to Council for adoption.

***Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

GP 19/5 PAY AWARD 2019

Members gave consideration to the matter of a pay award for employees for 2019/20. A range of factors that were relevant to the issue of a pay award were considered and included the prevailing economic conditions, comparative pay settlements and the Retail Price Index (RPI).

The Chief Executive reported that provision for pay award inflation for 2019/20 had been made in the Medium Term Financial Strategy. Members recognised that staff were a valuable asset to the organisation and continued to face significant challenges in dealing effectively with the implications of overall costs reduction through re-structuring, shared services, deletion of posts and potential future change.

Members acknowledged the hard work by the staff throughout the year and were grateful for their commitment.

It was also important for recruitment and retention that the Borough Council did not fall behind other local authorities and it was proposed that an award of 2.5% was offered to staff for 2019/20. This was in line with other Kent councils with which the Borough Council competed in the recruitment market.

Members were pleased to note that there had been a good response to a number of recent high profile vacancies.

RESOLVED: That a 2.5% pay increase be awarded from 1 April 2019.

GP 19/6 ANNUAL REVIEW OF WHISTLEBLOWING POLICY

The report of the Director of Finance and Transformation advised of the outcome of the annual review of the Borough Council's Whistleblowing Policy, which identified that no changes were required at this time. Members were advised that the Audit Committee of 21 January 2019 had also approved the Policy. (Minute Number AU 19/5 refers)

RESOLVED: That the Whistleblowing Policy, attached as Annex 1 to the report, be approved.

MATTERS SUBMITTED FOR INFORMATION**GP 19/7 GENDER PAY GAP REPORT 2017/18**

The report of the Director of Central Services summarised the legislative context for gender pay gap reporting and incorporated the outcomes of the Borough Council's gender pay gap analysis for 2017/18.

Particular reference was made to the disparity in grades 3 to 6 (illustrated in paragraph 1.3.2 of the report) which indicated that women were more likely to apply for, be appointed to and remain in lower graded posts. The Borough Council's gender gap profile suggested that it was the lack of men in lower graded jobs that was the cause of the extent of the gap.

However, Members were reminded that the Borough Council had contracted out several services, such as refuse, street cleansing and leisure centres, where often lower paid jobs were filled in the majority by men, which explained in part why Tonbridge and Malling's pay gap was higher than some comparative councils.

RESOLVED: That the report be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE**GP 19/8 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 THE PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)****GP 19/9 ESTABLISHMENT CHANGES****(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)**

The report of the Management Team 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) post DB0303 (Customer Services Supervisor, 37 hours per week, scale 4 / 5) be deleted with effect from 1 June 2019;
- (2) post DB0312 and DB0316 (Senior Customer Services Advisor, scale 3 / 4, 37 hours and 24 hours per week) be deleted with effect from 1 June 2019;
- (3) posts DB0317, DB0318, DB0320 and DB0329 (Customer Services Advisor scale 2 / 3, 21.25, 6.50, 11.25 and 17.50 hours per week) be deleted with effect from 1 June 2019;
- (4) three updated posts of Senior Customer Services Advisor, scale 3 / 4 (two at 37 hours per week and one at 22.50 hours per week) be created with effect from 1 June 2019;
- (5) five updated posts of Customer Services Advisor, scale 2 / 3 (one at 37 hours per week, one at 21.25, one at 17.50 and two at 14.50 hours) be created with effect from 1 June 2019;
- (6) the saving of £2,140 arising from the above recommendations, be ring-fenced pending any further adjustments to the staffing resource within the team;
- (7) the 30 hours per week M8 post of Scrutiny and Partnerships Manager (DC0103) be regraded M7 with effect from 1 April 2019;
- (8) the 37 hours per week post of Economic Regeneration Officer (DC0106) be regraded M7 with effect from 1 April 2019;
- (9) the hours attached to the M5 post of Chief Corporate Policy Officer (post DC0101) be reduced from 37 hours to 29.6 hours per week with effect from 1 April 2019;

- (10) in order to reflect the re-designation of post DA0001 from Central Services Director to Central Services Director and Deputy Chief Executive, the post be regraded M2 with effect from 1 February 2019;
- (11) post DN0001 be re-designated Head of IT Services and regraded M4 with immediate effect;
- (12) the full time post DN0210, Technical Support Officer grade SO/M8, be deleted with immediate effect; and
- (13) the saving of £11,637, arising from recommendations 11 and 12, be ring-fenced to resource potential future specialist IT staffing support.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 31st January, 2019

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 A S Davis, Cllr S M Hammond, Cllr D Keeley, Cllr D Markham, 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 M C Base (Vice-Chairman), Mrs T Dean, D Keers, D Lettington, Mrs A S Oakley, R V Roud and B W Walker.

PART 1 - PUBLIC

AP3 19/1 DECLARATIONS OF INTEREST

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

AP3 19/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 22 November 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 19/3 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 19/4 TM/17/01864/FL - SITE OF FORMER UPPER BELL PH,
1 CHATHAM ROAD, AYLESFORD**

Residential redevelopment of former public house site with an apartment block housing 10 no. flats and 2 no. terraces of 3 houses (3 bed units) together with associated access, car parking and amenity facilities at site of former Upper Bell PH 1 Chatham Road, Aylesford.

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

- (1) The proposed development, by virtue of its overall density, scale and design would fail to preserve and enhance the local character, qualities and distinctiveness of the Kent Downs Area of Outstanding Natural Beauty, as set out in the Kent Downs Management Plan. As such, the proposed development fails to meet the requirements of the restrictive policy contained within the National Planning Policy 2018 at paragraph 172.
- (2) The proposed development, by virtue of the height, scale, massing, form and design of the apartment building, would appear out of keeping with the prevailing character of the built environment along Common Road, Mill Lane and Maidstone Road and would appear as an obtrusive form of development when viewed from these surrounding roads. As such, the development would cause visual harm to the street scene and visual amenities of the wider locality contrary to the requirements policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and the requirements of paragraph 127 of the National Planning Policy Framework 2018.
- (3) The Local Planning Authority is not convinced on the basis of evidence placed before it to date that there are material considerations indicating a divergence from adopted policies CP17 of the Tonbridge and Malling Borough Core Strategy 2007 and policy OS3 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 requiring the provision of affordable housing and open space respectively.

MATTERS FOR INFORMATION**AP3 19/5 UPDATE REPORT ON OUTLINE PLANNING APPLICATION - LAND
SOUTH OF LONDON ROAD AND EAST OF HERMITAGE LANE,
AYLESFORD**

Members were advised on the progress of a significant planning application at the land south of London Road and east of Hermitage Lane at Aylesford. The proposed development related to 840 dwellings,

the provision of public open space, land for a primary school, creation of a new link road through the site, improvements to the existing highway network and other necessary infrastructure provision.

The report of the Director of Planning, Housing and Environmental Health and the Director of Central Services provided an update on matters subject to ongoing liaison and negotiation between relevant providers, technical and statutory consultees and the applicant before the application could be reported to the Area Planning Committee for determination.

PART 2 - PRIVATE

AP3 19/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.00 pm

- Minutes of the Cabinet held on 14 February 2019 are *'to follow'*

- Cabinet Decision Notices after Cabinet minutes of 14 February 2019 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)
14.	14 February: Cabinet - Minute Numbers: CB 19/1 – 27	3 - 12
15.	Cabinet Decision Notices - D180066MEM - D180067MEM - D180068MEM – D180070MEM - D180071MEM - D180072MEM - D190001MEM – D190002MEM - D190003MEM – D190004MEM - D190005CAB – D190017CAB	13 - 48

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

CABINET

Thursday, 14th February, 2019

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, D J Cure, Mrs A S Oakley, M Parry-Waller, M R Rhodes and A K Sullivan were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 19/1 DECLARATIONS OF INTEREST

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

CB 19/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 10 October 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 19/3 RISK MANAGEMENT STRATEGY

The report of the Management Team invited Members to review the Risk Management Strategy and accompanying Risk Management Guidance 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. The report also provided an update on the risk management process and the Strategic Risk Register.

It was noted that the Audit Committee at its meeting on 21 January 2019 had endorsed the strategy and commended it for adoption by the Council.

RECOMMENDED: That the Risk Management Strategy and accompanying Risk Management Guidance be adopted by the Council.
***Referred to Council**

CB 19/4 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY

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 and an introduction to the 2019/20 Treasury Management and Annual Investment Strategy. Members were invited to recommend adoption of the Strategy by the Council.

It was noted that the Audit Committee at its meeting on 21 January 2019 had reviewed and endorsed the matters covered by the report.

The Cabinet acknowledged the work of officers involved in the Council's treasury management.

RECOMMENDED: That

- (1) the treasury management position as at 31 December 2018 and the higher level of income incorporated in the 2018/19 revised estimates be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2019/20, as set out at Annex 4 to the report, be adopted.

***Referred to Council**

CB 19/5 SETTING THE BUDGET 2019/20

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 2019/20. It also highlighted adjustments made to the Revenue Estimates presented to the Advisory Board and Committee and the suggested reviews of Disabled Facilities Grants, Public Health and Community Safety Partnerships.

The Director of Finance and Transformation explained that the final local government settlement had now been received and did not differ significantly from the multi-year settlement except for removal of the "negative RSG" payment for one year. She indicated that this contributed to the relatively positive position for Tonbridge and Malling together with the fact that the baseline for payment of New Homes Bonus would remain at 0.4%, and the Secretary of State's decision to maintain the threshold for triggering a referendum on council tax increase at the higher of 3% or £5. However, Members were advised that the settlement should be viewed in the context of a lack of information about future years' funding and impact on the funding gap which would have to be revisited in the light of the outcome of the 2019 Spending Review and Fair Funding Review. In addition, the Kent and Medway authorities' bid for the next pilot in respect of 75% business rates retention had failed despite the success of the previous pilot.

The report also suggested a mechanism for responding to two further

consultation papers on the review of relative needs and resources and business rates retention reform published alongside the provisional settlement.

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 2019 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 2019/20 and calculating the council tax. For the purposes of updating the MTFS a council tax increase of around 3% in 2019/20 had been assumed, followed by an increase of £5 year on year thereafter. 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 2019/20. Members were advised of details of special expenses for 2019/20.

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 required savings and transformation contributions based on latest projections of £550,000 would be delivered.

RECOMMENDED: That

- (1) 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 two further papers published alongside the provisional settlement, as supported by the Finance, Innovation and Property Advisory Board and detailed at paragraph 1.2.11 of the report.
- (2) the Overview and Scrutiny Committee be asked to review the service areas Disabled Facilities Grants, Public Health and Community Safety Partnership, as detailed at paragraph 1.5.2 of the report;
- (3) the fees and charges set out in Annex 2 to the report, as recommended by the appropriate Advisory Boards, be endorsed (see Decision Nos D190005CAB to D190013CAB);
- (4) the Capital Plan be updated as set out in paragraph 1.7.15 to the report and adopted accordingly and the Scape Minor Works Framework, Kier Construction Limited, being the framework

contractor, be used to procure the planned major programme of works at Larkfield Leisure Centre;

- (5) the Capital Strategy as presented to the Finance, Innovation and Property Advisory Board on 9 January and the Overview and Scrutiny Committee on 22 January 2019 be endorsed and adopted by the Council;
- (6) the prudential indicators listed in paragraphs 1.8.7 and 1.8.11 of the report be endorsed and adopted;
- (7) for the financial year 2019/20 the Council's Minimum Revenue Provision, as set out at paragraph 1.8.14 of the report, be noted as nil;
- (8) the proposed increase in the minimum General Revenue Reserve balance from £2.0m to £3.0m, as detailed at paragraph 1.10.5 of the report, be noted and endorsed;
- (9) the updated Medium Term Financial Strategy, as set out at Annex 11a to the report, be noted and endorsed;
- (10) the Council be recommended to approve a council tax increase of 2.99% or £6.08 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 2019/20;
- (11) the updated Savings and Transformation Strategy detailed at Annex 11c to the report, including the proposed scale and timing of each of the required savings and transformation contributions set out at paragraph 1.11.6 of the report, be noted and endorsed;
- (12) the special expenses calculated in accordance with the Special Expenses Scheme set out in Annex 14b to the report be endorsed; and
- (13) 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.

***Referred to Council**

CB 19/6 SETTING THE COUNCIL TAX FOR 2019/20

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 2019/20 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 19 February 2019.

RECOMMENDED: That the resolution be noted and the Council be recommended to approve a 2.99% or £6.08 per annum increase in the Borough Council's element of the council tax for 2019/20, representing a notional "average" charge at Band D of £209.50.

***Referred to Council**

CB 19/7 BREXIT PREPAREDNESS

The Cabinet received the recommendations of the Overview and Scrutiny Committee at its meeting of 22 January 2019 following consideration of a report on a range of initiatives being pursued to ensure that the Borough Council was prepared to maintain business continuity in response to the possible impact of Brexit.

RECOMMENDED: That

- (1) the report be noted and further updates be provided as more information becomes available; and
- (2) the current urgency provisions in the Council's Constitution and Policy Framework be extended to include "arrangements for decision making during a period of serious and/or unexpected disruption".

***Referred to Council**

CB 19/8 CHERRY ORCHARD/BRAMPTON FIELD, DITTON

Item SSE 18/20 referred from Street Scene and Environment Services Advisory Board minutes of 5 November 2018

The Cabinet received the recommendations of the Street Scene and Environment Services Advisory Board at its meeting of 5 November 2018 regarding concerns about the condition and excessive height of a row of conifer trees on Council owned land between Cherry Orchard and Brampton Field, Ditton.

RECOMMENDED: That

- (1) the existing row of conifers on Council owned land between Cherry Orchard and Brampton Field be removed as soon as is practicable;
- (2) suitable replacement trees be planted on the Council's open space, in liaison with the local Members; and

- (3) urgency proceedings be invoked to secure the required budget to progress the works, in accordance with Financial Rules 15.1 and 15.2, with reports from the Chief Executive submitted to future meetings of the Executive and the Overview and Scrutiny Committee.

***Referred to Council**

CB 19/9 REVENUES AND BENEFITS UPDATE REPORT

Item FIP 19/10 referred from Finance, Innovation and Property Advisory Board minutes of 9 January 2019

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 9 January 2019 regarding the adoption of schemes for Retail Discount and Council Tax Reduction for 2019/20, removal of Class C empty property discount and adoption of the long term empty homes premium of 100%.

RECOMMENDED: That

- (1) the change to the Class C discount be implemented from 1 April 2019 and a report be submitted during 2019/20 regarding any implications;
- (2) the long term empty homes premium of 100% be applied from 1 April 2019;
- (3) a local scheme be adopted for the retail discount to be awarded in line with the discretionary relief policy and MHCLG guidance from 1 April 2019 and the scheme be made available at the full Council meeting;
- (4) delegated authority be given to the Director of Finance and Transformation to grant relief in accordance with the adopted retail discount scheme, subject to any disputed entitlement to relief being referred to the Advisory Board; and
- (5) the Tonbridge and Malling Borough Council Local Council Tax Reduction Scheme 2019/20 (to be made available at the full Council meeting) be effective from 1 April 2019.

***Referred to Council**

CB 19/10 REVENUE ESTIMATES 2019/20

Item FIP 19/8 referred from Finance, Innovation and Property Advisory Board minutes of 9 January 2019

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 9 January 2019 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 2019/20.

CB 19/11 CAPITAL PLAN REVIEW 2018/19

Item FIP 19/9 referred from Finance, Innovation and Property Advisory Board minutes of 9 January 2019

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 9 January 2019 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 2019/20.

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE FUNCTIONS)

CB 19/12 REVIEW OF FEES AND CHARGES - STREET SCENE AND ENVIRONMENT SERVICES

Decision Notice D190005CAB

CB 19/13 REVIEW OF CEMETERY CHARGES 2019/20

Decision Notice D190006CAB

CB 19/14 EXTENSION OF GROUNDS MAINTENANCE CONTRACT

Decision Notice D190007CAB

CB 19/15 REVIEW OF HOUSES IN MULTIPLE OCCUPATION AND CARAVAN SITE LICENSING FEES FOR 2019/20

Decision Notice D190008CAB

CB 19/16 REVIEW OF THE PLANNING APPLICATION CHARGING REGIME

Decision Notice D190009CAB

CB 19/17 REVIEW OF FEES AND CHARGES 2019/20 - FINANCE, INNOVATION AND PROPERTY

Decision Notice D190010CAB

CB 19/18 TONBRIDGE CASTLE - REVIEW OF FEES AND CHARGES

Decision Notice D190011CAB

CB 19/19 PROPOSED 3% SURCHARGE ON BUILDING CONTROL STANDARD CHARGES

Decision Notice D190012CAB

CB 19/20 FIXED PENALTY NOTICES FOR LITTERING

Decision Notice D190013CAB

CB 19/21 REVIEW OF PROVISION OF PUBLIC CONVENIENCES

Decision Notice D190014CAB

CB 19/22 ROAD CLOSURES REVIEW

Decision Notice D190015CAB

CB 19/23 PLANNING ENFORCEMENT PLAN

Decision Notice D190016CAB

CB 19/24 CYBER SECURITY

Decision Notice D190017CAB

MATTERS SUBMITTED FOR INFORMATION**CB 19/25 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 5 November 2018

Economic Regeneration Advisory Board of 6 November 2018

Communities and Housing Advisory Board of 12 November 2018

Planning and Transportation Advisory Board of 13 November 2018

Finance, Innovation and Property Advisory Board of 9 January 2019

Street Scene and Environment Services Advisory Board of 11 February 2019

RESOLVED: That the report be received and noted.

CB 19/26 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 November 2018
Joint Transportation Board of 26 November 2018

RESOLVED: That the report be received and noted.

CB 19/27 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.41 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Strategic Planning and Infrastructure

**Decision No:
D180066MEM**

Date: 05 November 2018

Decision(s) and Reason(s)

Waste Services Contract

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

The report provided an update on the implementation of the new Waste Services Contract and sought approval of detailed proposals relating to the new opt-in garden waste charge and the mobilisation of the new improved services. Details of the proposed Terms and Conditions for the Chargeable Garden Waste Collection Service were set out at Annex 1 to the report and it was noted that up to two additional garden waste bins could be ordered at a discounted rate.

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

- (1) the actions taken by the Directors of Street Scene, Leisure and Technical Services and Finance and Transformation in liaison with the Cabinet Members for Street Scene and Environment Services and Finance, Innovation and Property to approve the final Inter Authority Agreement be noted;
- (2) the detailed terms and conditions and early bird discount proposed for the garden waste charges, as outlined in the report, be approved;
- (3) a discounted subscription rate of £25 per annum for each additional garden waste bin be approved;
- (4) the mobilisation arrangements for the new service arrangements, as outlined in the report, be agreed;
- (5) an Operational Marketing Plan be reported to the next meeting of the Street Scene and Environment Services Advisory Board following initial consideration by the Waste Contract Member Group;

- (6) a Data Protection Impact Screening Assessment be undertaken within any resultant actions implemented; and
- (7) a lease of the Vale Rise Depot be granted as per the terms outlined at paragraph 1.7.3 of the report.

In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules the Leader nominated the Cabinet Member for Strategic Planning and Infrastructure to take this decision in the absence of the Cabinet portfolio holder (Street Scene and Environment Services).

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 5 November 2018.

Signed Cabinet Member for Strategic Planning and Infrastructure H Rogers

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 9 November 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:
D180067MEM**

Date: 06 November 2018

Decision(s) and Reason(s)

Business Rates Retention Pilot Initiatives - Outline Programme

(Report of Chief Executive)

Further to Decision No D180060CAB, the report set out a programme of delivery for the Business Rates Retention Pilot initiatives, including an early draft of the Commercial Frontages Grant Scheme.

Consideration was given to the proposed criteria for the scheme which focused on independent retailers in the town and district centres of Tonbridge town centre, Borough Green, Kings Hill, Martin Square/Larkfield, Snodland and West Malling. It was agreed that the four additional centres identified in the previous district centres programme (Aylesford, East Peckham, Hadlow and Wrotham) also be included. It was also suggested that the focus of the scheme on retail premises should be reflected in its title.

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

- (1) the proposed outline Business Rates Retention programme, as set out at paragraph 1.1.2 of the report, be approved; and
- (2) the Town and District Centres Commercial (Retail) Frontages Grant Scheme, as set out in the report, be approved subject to inclusion of Aylesford, East Peckham, Hadlow and Wrotham.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 6 November 2018.

Signed Cabinet Member for
Economic Regeneration and
Leader

N Heslop

Signed Chief Executive: J Beilby

Date of publication: 9 November 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:
D180068MEM**

Date: 12 November 2018

Decision(s) and Reason(s)

Private Sector Housing Stock Condition Modelling Exercise

(Report of Director of Central Services)

The report outlined the Council's approach to undertaking a private sector housing stock modelling exercise to update the current stock condition and inform future policies and targeting of housing resources and services.

The cost of the modelling exercise was contained in a report in the private part of the agenda since it contained exempt information (LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person).

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

- (1) the cost of undertaking the housing stock modelling exercise, as set out in the Part 2 exempt information report, be agreed and be funded from the Housing Survey Reserve; and
- (2) the instruction to the Building Research Establishment (BRE) to undertake a housing stock modelling exercise and develop an authority wide integrated house condition and energy base be approved.

Reasons: As set out in the reports submitted to the Communities and Housing Advisory Board of 12 November 2018 (contains exempt information).

Signed Cabinet Member for Housing P Montague

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 16 November 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 Community Services

**Decision No:
D180069MEM**

Date: 12 November 2018

Decision(s) and Reason(s)

Capital Plan Projects

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

The report gave details of progress with key projects included in the Council's Capital Plan and brought forward four post implementation reviews for consideration and approval.

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

- (1) the updates on the current schemes within the Capital Plan, as shown at Annex 1 to the report, be noted;
- (2) the post implementation review for Haysden Country Park Extension Play Area, as shown at Annex 2 to the report, be approved;
- (3) the post implementation review for Haysden Country Park Site Improvements, as shown at Annex 3 to the report, be approved;
- (4) the post implementation review for Larkfield Leisure Centre Pool Disinfection, as shown at Annex 4 to the report, be approved; and
- (5) the post implementation review for Public Open Space Site Improvements, as shown at Annex 5 to the report, be approved.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 12 November 2018.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 16 November 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 Community Services

**Decision No:
D180070MEM**

Date: 12 November 2018

Decision(s) and Reason(s)

Community Fair Update

(Report of Chief Executive)

The report provided an update on the recent Community Fair held in Tonbridge and sought approval to hold a similar event in 2019.

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

Following the success of the recent Community Fair, an additional event be agreed for autumn 2019.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 12 November 2018.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 16 November 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:
D180071MEM**

Date: 13 November 2018

Decision(s) and Reason(s)

Transportation Update

(Report of Director of Central Services and Monitoring Officer)

The report provided an update on the current consultation process relating to the Lower Thames Crossing and Gatwick Airport and highlighted issues for inclusion in the respective responses.

Qualified support was expressed for the Lower Thames Crossing proposals although it was agreed to reiterate concerns regarding the implications for the A228 and A229 and the need for improvements to these routes to be prioritised to meet growing demand.

In respect of the Gatwick Airport consultation, there were significant concerns about any intensification of air traffic over West Kent, including night flights, the management of noise impacts and surface transport connectivity. Regarding the latter, emphasis was placed on continuing to lobby for a direct rail service between Gatwick and Tonbridge via Redhill.

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

- (1) the content of the report be noted;
- (2) the issues raised in response to the Lower Thames Crossing consultation be approved for submission to Highways England; and
- (3) the issues raised in response to the Gatwick Master Plan consultation be approved for submission to Gatwick Airport Limited.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 13 November 2018.

Signed Cabinet Member for Strategic Planning and Infrastructure H Rogers

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 16 November 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:
D180072MEM**

Date: 26 November 2018

Decision(s) and Reason(s)

Parking Action Plan, Phase 10

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

The report provided an update on the formal consultation undertaken between 5 and 28 October in respect of Phase 10 of the Parking Action Plan. Details of the proposals in respect of 25 locations, the responses received to the formal consultation, location plans and redacted copies of the responses were set out at Annexes 1 to 4 of the report.

Following consideration by the Joint Transportation Board, the Cabinet Member for Street Scene and Environment Services resolved that the recommendations for each location, as set out in Annex 1 to the report, be adopted and, where appropriate, any objections be set aside and the restrictions be introduced.

Reasons: As set out in the report submitted to the Joint Transportation Board of 26 November 2018.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 30 November 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:
D190001MEM**

Date: 09 January 2019

Decision(s) and Reason(s)

IT Strategy Update

(Report of Director of Finance and Transformation)

Further to Decision No D180032MEM, the report provided an update on work relating to the website development plan including the scoping of a Digital Strategy to set out the business aspect of service transformation alongside the “technology” side of the IT Strategy. A website review document containing the results of the Smart Digital Services customer testing and feedback from the latest SOCITM Better Connected national review was appended to the report.

Consideration was given to one of the recommendations regarding the establishment of an informal Member working group to assist in the website review. It was agreed that the Leader determine the membership of the group in consultation with the Cabinet Member for Finance, Innovation and Property, the Chairman of the Advisory Board and the Leader of the Liberal Democrats Group.

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

An informal Member working group with membership determined by the Leader be formed to assist with the website review.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 9 January 2019.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 11 January 2019

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:
D190002MEM**

Date: 09 January 2019

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 £5,000 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 30 items shown in the schedule of amounts over £5,000, totalling £57,402 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 9 January 2019 (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: 11 January 2019

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:
D190003MEM**

Date: 11 February 2019

Decision(s) and Reason(s)

Waste Services Contract

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

A presentation was received from representatives of Urbaser prior to consideration of the report which provided an update on the implementation of the new Waste Services Contract from 1 March 2019 and the introduction of the new recycling services from 30 September 2019. The report sought approval of proposals relating to the Mobilisation Arrangements, an Operational Marketing Plan and a Domestic Recycling and Waste Collection Policy and Procedure Statement for the new Service. In response to comments regarding wheeled bins being left on the public highway, officers advised that a pragmatic approach was taken to enforcement and that the wording of Section 5 of Annex 2 to the report would be reviewed and clarified as appropriate.

In addition the report advised that the Government had recently published a new Resources and Waste Strategy and that consultations would be undertaken on Extended Producer Responsibility, Deposit Return Schemes and Consistent Collections from January 2019.

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

- (1) the Mobilisation Arrangements for the new Waste and Recycling Service, as outlined in the report, be approved;**
- (2) the draft Operational Marketing Plan, as detailed at Annex 1 to the report, be agreed and implemented;**
- (3) subject to a review of Section 5 to reflect the comments expressed about enforcement action taken where wheeled bins cause an obstruction, the Domestic Recycling and Waste Collection Policy Procedure and Statement for the new Service, as detailed at Annex 2 to the report, be agreed; and**

- (4) the Partnership Manager submit an Annual Service Delivery Plan to a future meeting of the Street Scene and Environment Services Advisory Board.

In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules the Leader nominated the Cabinet Member for Strategic Planning and Infrastructure to take this decision in the absence of the Cabinet Portfolio holder (Street Scene and Environment Services)

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 11 February 2019.

Signed Cabinet Member for Strategic Planning and Infrastructure H Rogers

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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:
D190004MEM

Date: 11 February 2019

Decision(s) and Reason(s)

Public Conveniences Review

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

The report provided an update on the agreed way forward regarding the future provision of the Council's existing public conveniences and sought approval of an Equality Impact Assessment.

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

- (1) the update on the way forward regarding the provision of public conveniences be noted and the Equality Impact Assessment, as attached at Annex 2 to the report, be approved; and
- (2) subject to the outcome of the recommendation at (1) above, the Special Expenses Policy be updated and submitted to Council for approval in readiness for implementation in the financial year 2020/21.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 11 February 2019.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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: D190005CAB

Date: 14 February 2019

Decision(s) and Reason(s)

Review of Fees and Charges - Street Scene and Environment Services

(Item SSE 18/21 referred from Street Scene and Environment Services Advisory Board minutes of 5 November 2018)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 5 November 2018.

The Cabinet resolved that:

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

- (1) the scale of charges for household bulky refuse and fridge/freezer collection, "missed" refuse collection, stray dog redemption fees, pest control, food certificates, contaminated land monitoring and private water supplies be approved;
- (2) no changes be made to the Council's existing car parking charges;
- (3) the new charges be implemented from 1 April 2019; and
- (4) the option for new waste and recycling bins/containers for new housing developments to be funded by developers be investigated further and a report submitted to a future meeting of the Street Scene and Environment Services Advisory Board.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 5 November 2018.

Signed Chief Executive:

J Beilby

Date of publication: 15 February 2019

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: D190006CAB
Date: 14 February 2019

Decision(s) and Reason(s)

Review of Cemetery Charges 2019/20

(Item CH 18/26 referred from Communities and Housing Advisory Board minutes of 12 November 2018)

Consideration of recommendations to the Cabinet from the Communities and Housing Advisory Board of 12 November 2018.

A supplementary report was circulated regarding the Council's approach to cemetery charges for children's burials in the light of pending Government legislation.

The Cabinet resolved that:

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

- (1) the existing charges for child burials at Tonbridge Cemetery be amended, with future burials for all under 18 year olds being free of charge with immediate effect; and
- (2) subject to (1) above, the proposed charges for Tonbridge Cemetery, as detailed at Annex 2 to the report to the Communities and Housing Advisory Board, be approved and implemented with effect from 1 April 2019.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 12 November 2018.

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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: D190007CAB
Date: 14 February 2019

Decision(s) and Reason(s)

Extension of Grounds Maintenance Contract

(Item CH 18/27 referred from Communities and Housing Advisory Board minutes of 12 November 2018)

Consideration of recommendations to the Cabinet from the Communities and Housing Advisory Board of 12 November 2018.

The Cabinet resolved that:

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

The Council's current Grounds Maintenance Contract with Landscape Services Limited be extended for a further five years from 31 December 2019 in accordance with the Conditions of Contract.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 12 November 2018.

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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: D190008CAB
Date: 14 February 2019

Decision(s) and Reason(s)

Review of Houses in Multiple Occupation and Caravan Site Licensing Fees for 2019/20

(Item CH 18/28 referred from Communities and Housing Advisory Board minutes of 12 November 2018)

Consideration of recommendations to the Cabinet from the Communities and Housing Advisory Board of 12 November 2018.

The Cabinet resolved that:

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

The charges for the following be agreed with effect from 1 April 2019:

- (1) £524 for a new mandatory HMO licence application;
- (2) £483 for the renewal of a mandatory HMO licence application;
- (3) £380 for a new caravan site licence where the use of the site is for permanent residential use; and
- (4) £180 for the transfer of a caravan site licence for a permanent residential use site.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 12 November 2018.

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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: D190009CAB
Date: 14 February 2019

Decision(s) and Reason(s)

Review of the Planning Application Charging Regime

(Item PE 18/17 referred from Planning and Transportation Advisory Board minutes of 13 November 2018)

Consideration of recommendations to the Cabinet from the Planning and Transportation Advisory Board of 13 November 2018.

The Cabinet resolved that:

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

The updated Pre-application Charging Schedule 2019/20 set out at Annex 1 to the report be approved with effect from 1 April 2019 subject to the correction of the fee for written advice for medium development to £186.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 13 November 2018.

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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: D190010CAB
Date: 14 February 2019

Decision(s) and Reason(s)

Review of Fees and Charges 2019/20 - Finance, Innovation and Property

(Item FIP 19/3 referred from Finance, Innovation and Property Advisory Board minutes of 9 January 2019)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 9 January 2019.

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 April 2019;
- (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 2019; 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 2019/20 financial year.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 9 January 2019.

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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: D190011CAB
Date: 14 February 2019

Decision(s) and Reason(s)

Tonbridge Castle - Review of Fees and Charges

(Item FIP 19/4 referred from Finance, Innovation and Property Advisory Board minutes of 9 January 2019)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 9 January 2019.

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 1.5.4 of the report;
- (2) the new pricing model for Schoolchildren Educational Workshops at Tonbridge Castle be approved as set out at paragraph 1.6.1 of the report;
- (3) authority be delegated to the Director of Central Services to depart from the fixed fee structure for wedding bookings where he considers it is in the financial interests of the Council to do so in a particular case; and
- (4) the pricing model for hiring out the Council Chamber at Tonbridge Castle be approved as set out at paragraph 2.3.3 of the report.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 9 January 2019.

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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: D190012CAB
Date: 14 February 2019

Decision(s) and Reason(s)

Proposed 3% Surcharge on Building Control Standard Charges

(Item FIP 19/5 referred from Finance, Innovation and Property Advisory Board minutes of 9 January 2019)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 9 January 2019.

The Cabinet resolved that:

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

The proposed fees scales for 2019/20, as set out at Appendix A to the report and representing an overall increase of 3%, be approved.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 9 January 2019.

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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: D190013CAB
Date: 14 February 2019

Decision(s) and Reason(s)

Fixed Penalty Notices for Littering

(Item SSE 19/5 referred from Street Scene and Environment Services Advisory Board minutes of 11 February 2019)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 11 February 2019.

The Cabinet resolved that:

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

- (1) the Council's revised charge for Fixed Penalty Notices for littering offences be set at £100 from 1 April 2019;
- (2) a revised early payment charge (within 10 days) for Fixed Penalty Notices for littering offence be set at £65 from 1 April 2019; and
- (3) the proposed approach to updating existing signage, as set out a paragraph 1.3.3 of the report, be approved.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 11 February 2019.

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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: D190014CAB
Date: 14 February 2019

Decision(s) and Reason(s)

Review of Provision of Public Conveniences

(Report of Chief Executive)

The report gave details of the recommendations of the Overview and Scrutiny Committee at its meeting of 18 October 2018 regarding a review of the Council's current provision of public conveniences.

The Cabinet resolved that:

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

- (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 and 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 and Environment Services Advisory Board on the outcome of the review, accompanied by an Equality Impact Assessment and financial appraisal.

Reasons: As set out in the reports of the Chief Executive to Cabinet and to the Overview and Scrutiny of 18 October 2018.

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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: D190015CAB
Date: 14 February 2019

Decision(s) and Reason(s)

Road Closures Review

(Report of Chief Executive)

The report gave details of the recommendations of the Overview and Scrutiny Committee at its meeting of 18 October 2018 regarding a review of the procedures used to implement temporary road closures for community events.

The Cabinet resolved that:

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

Subject to further discussions with relevant partners, the continued use of the Town Police Clauses Act 1847 for appropriate local community events be confirmed.

Reasons: As set out in the reports of the Chief Executive to Cabinet and to the Overview and Scrutiny of 18 October 2018.

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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: D190016CAB
Date: 14 February 2019

Decision(s) and Reason(s)

Planning Enforcement Plan

(Item PE 18/18 referred from Planning and Transportation Advisory Board minutes of 13 November 2018)

Consideration of recommendations to the Cabinet from the Planning and Transportation Advisory Board of 13 November 2018.

The Cabinet resolved that:

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

The Planning Enforcement Plan, as set out at Annex 1 to the report, be approved subject to a review of the issues surrounding expediency and consideration of any proposed changes.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 13 November 2018.

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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: D190017CAB
Date: 14 February 2019

Decision(s) and Reason(s)

Cyber Security

(Item FIP 19/7 referred from Finance, Innovation and Property Advisory Board minutes of 9 January 2019)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board minutes of 9 January 2019.

The Cabinet resolved that:

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

- (1) the action to address the outcome of the LGA Stocktake and funding bid be noted and confirmed;
- (2) it be noted that further reports on the progress with Cyber Security will be presented to the Finance, Innovation and Property Advisory Board; and
- (3) the Cabinet Member for Finance, Innovation and Property be appointed as the named councillor for Cyber Security and the Director of Central Services be asked to update the Council's Constitution accordingly.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 9 January 2019.

Signed Chief Executive: J Beilby

Date of publication: 15 February 2019

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

COUNCIL MEETING

Tuesday, 19th February, 2019

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 19th February, 2019

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 Mrs S Bell, Cllr T Bishop, 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 R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr N J Heslop, 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 Miss J L Sergison, Cllr T B Shaw, Cllr C P Smith, Cllr A K Sullivan, Cllr F G Tombolis and Cllr T C Walker

Apologies for absence were received from Councillors R P Betts, P F Bolt, Mrs T Dean, Mrs M F Heslop, H S Rogers, R V Roud, M Taylor, Miss G E Thomas and B W Walker

PART 1 - PUBLIC

C 19/1 DECLARATIONS OF INTEREST

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

C 19/2 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 30 October 2018 be approved as a correct record and signed by the Mayor.

C 19/3 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since October she had visited many school nativities, Christmas fayres and award presentations. She highlighted a number of memorable events including the Hi Kent dinner, Eynsford Band concert, Kings Hill Parish Council's opening of a new play area, Kent Young Chef 2019, visit to the 8th Tonbridge Brownies and Guides, Heart of Kent Hospice's Light up a Life service and a visit to Demelza Hospice. The Mayor had also attended the switching on of Christmas lights at Snodland and Liberty Square, West Kent College's Burns Night,

the induction of the vicar of St Peter and St Paul's Church, Aylesford and presentations of the Bluebird Care Assistant of the Year, Kent Police Certificate of Merit and to the Environment Champions.

Past Mayoral events included Remembrance Sunday Services, hosting local primary and senior schools' debates and the Charity Night at the Oast Theatre. The Mayor encouraged Members to buy tickets for the forthcoming Charity Event at the Old Fire Station on 10 April.

**C 19/4 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 19/5 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 19/6 LEADER'S ANNOUNCEMENTS

The Leader began by formally welcoming Eleanor Hoyle as the Borough Council's new Director of Planning, Housing and Environmental Health and wishing her all the best at Tonbridge and Malling.

He indicated that Councillor Peter Bolt had been very unwell of late but was pleased to say that he was now back at home. The Leader would be writing to him on behalf of the Council and sending best wishes.

Members were advised that Councillor Martin Coffin would present the budget proposals later in the proceedings and, in doing so, would set out the achievements of the Council over the course of the past four years.

Financial matters

The Leader reminded Members that the Council's record was set against one of the toughest economic circumstances. Notwithstanding losing over £1 million in grant funding since 2016/17 (or 15.2 per cent), Members working with the officers had held their nerve in maintaining front line services but also exceeding the requirements of the savings and transformation strategy by £629,000. Members were asked to note that the Council had over-achieved on the savings and transformation target of £350k for this year. As Grant Thornton reported in the most recent audit letter, they were "satisfied that the Council put in place proper arrangements to ensure economy, efficiency and effectiveness in its use of resources."

A clean and tidy Borough

The Leader stated that a key priority for residents was to maintain a clean and tidy Borough. The Council had the responsibility to empty the bins of over 52,000 households and sweep over 400 miles of roads, pavements and footpaths. He was pleased to report that the latest data from the Kent Waste Resource Partnership showed that just 0.04 per cent of what was collected was taken to landfill.

Members of the Street Scene and Environment Services Advisory Board recently had the opportunity to meet the Business Development Manager and Contract Manager for Urbaser and asked a number of detailed questions relating to the new contract. The new contract would commence on 1 March with the new recycling arrangements being introduced on 30 September. Every household would receive an introductory leaflet next week through their door and officers were making further arrangements to meet Parish Councils and hold a number of roadshows.

The Leader advised that the Government yesterday went out to consultation on its new long term Waste and Recycling strategy, focusing on three areas including reforming the UK packaging producer responsibility system, introducing a deposit return scheme and consistency in household and business recycling collection. He indicated that the majority of the recommendations in the strategy were in line with the Council's future approach and were welcomed. The Government had said that it would fund a free garden waste collection service; with over 53 per cent of local authorities now charging for green waste, any such consideration would be subject to significant financial implications. The Leader stated that the Council would be responding in full to the consultation in close liaison with the Kent Resource Partnership.

Local communities also played their part and the Leader was sure Members would wish to support their own groups with the Great British Spring Clean between 22 March and 23 April. In his own ward, Councillor Mark Davis and he would be supporting the Woodland Walk Residents' Group with their own litter pick.

Local Plan

The Leader said Members would be aware that the Local Plan agreed by full Council on 12 September was submitted to the Secretary of State in time to meet the deadline for the transitional arrangements on 23 January. Last week, the Council was advised that two inspectors had been appointed, Mr Simon Berkeley and Mr Luke Fleming and officers were now liaising with them via the Programme Officer in preparation for the public inquiry.

Housing – TA

When the Council last met, the Leader had been pleased to report that the purchase of six units for temporary accommodation had been completed and were in use. He indicated that while all six units were now in use, there had also been a turnaround of occupants as the housing team were able to find permanent housing solutions for clients.

Processing Benefits claims

The Leader referred to information given at the most recent meeting of the Finance, Innovation and Property Advisory Board that the Benefits team now ranked third out of the 391 councils for the time taken to process benefits claims. There were no other Kent councils in the top 20. The average number of days to assess new benefit claims between April and December was 12.3, while it took an average of 2.2 days to deal with changes in circumstances.

He said this was an extremely commendable performance by the team, not least when considering that the recipients were those facing particular financial hardship. Members of the Audit Committee would be aware that Grant Thornton reported that no amendments were required to the housing subsidy claim; again a creditable performance by the team.

Country Parks

The Leader referred to the fact that Haysden Country Park had won the prestigious Green Flag Award from Keep Britain Tidy for 13 years in a row and Leybourne Lakes Country Park for 12 successive years.

Members of the Communities and Housing Advisory Board would see at its next meeting a detailed report of a recent onsite casual user survey at Haysden Country Park showing that 99.5 per cent of visitors were satisfied with the Park. This represented an increase of 2.5 per cent since the last survey in 2013 and reflected the continuing high standards being achieved and the significant level of ongoing investment in the site over recent years, funded in the majority of cases by developer contributions.

Business engagement

The Leader advised that in the past year, the Borough Council in partnership with others had hosted 8 business networking events (5 in Tonbridge, 2 in Snodland and 1 in Kings Hill). Over 200 businesses had attended one or more of these events which had helped build awareness of the activities the Council was undertaking to support the local economy, as well as wider hot topics such as cybercrime, GDPR and new funding opportunities and business advice. Feedback from local businesses attending these events had been overwhelmingly positive. The Council had also continued to produce a monthly e-bulletin for local

businesses which currently had a subscription list of over 600 business contacts.

Members were advised that having entered into partnership with Deskrenters, Castle Lodge, Tonbridge co-working business accommodation had opened in May 2018 and been a great success in supporting fledgling creative start-ups and freelancers. The Borough Council was now in discussion with Deskrenters about the delivery of a new scheme in the Gibson Building to provide small office accommodation for start-up businesses.

The Leader was also pleased to record that the Council had been able to facilitate two pop up shops in 2018 in partnership with a local business entrepreneur - Tonbridge Create. The pop-ups had helped give creative start-up businesses an opportunity to have a high street presence, as well as deliver children's art workshops and give students from Oakley School invaluable work experience.

The Leader reported that next month the Borough Council would be launching a new grant scheme for local independent retailers to offer funding support towards shopfront improvements. Independent retailers in eligible parts of Tonbridge, West Malling, Borough Green, Snodland, Hadlow, Larkfield, Kings Hill, East Peckham, Aylesford and Wrotham would receive a letter notifying them of the scheme in the next couple of weeks.

C 19/7 REMOVAL OF PROBATIONARY LICENCES FROM HACKNEY CARRIAGE AND PRIVATE HIRE POLICY - CONSULTATION

Item LA 18/109 referred from Licensing and Appeals Committee minutes of 27 November 2018

RESOLVED: That the recommendations at Minute LA 18/109 be approved.

C 19/8 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Item GP 19/3 referred from General Purposes Committee minutes of 28 January 2019

RESOLVED: That the recommendations at Minute GP 19/3 be approved.

C 19/9 LOCALISM ACT PAY POLICY

Item GP 19/4 referred from General Purposes Committee minutes of 28 January 2019

RESOLVED: That the recommendations at Minute GP 19/4 be approved.

C 19/10 RISK MANAGEMENT STRATEGY

Item CB 19/3 referred from Cabinet minutes of 14 February 2019

RESOLVED: That the recommendations at Minute CB 19/3 be approved.

C 19/11 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY

Item CB 19/4 referred from Cabinet minutes of 14 February 2019

RESOLVED: That the recommendations at Minute CB 19/4 be approved.

C 19/12 SETTING THE BUDGET 2019/20

Item CB 19/5 referred from Cabinet minutes of 14 February 2019

It was proposed by Councillor Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 19/5 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 Mrs S M Barker, Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, 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 M O Davis, Cllr N J Heslop, 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 L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr C P Smith, Cllr A K Sullivan, Cllr F G Tombolis and Cllr T C Walker

Total 35

Members voting against the motion:

Cllr T Bishop, Cllr T I B Cannon, Cllr Mrs A S Oakley

Total 3

Members abstaining:

None

RESOLVED: That the recommendations at Minute CB 19/5 be approved.

C 19/13 SETTING THE COUNCIL TAX FOR 2019/20

Item CB 19/6 referred from Cabinet minutes of 14 February 2019

It was proposed by Councillor Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 19/6 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr T Bishop, 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 M O Davis, Cllr N J Heslop, 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 Miss J L Sergison, Cllr T B Shaw, Cllr C P Smith, Cllr A K Sullivan, Cllr F G Tombolis and Cllr T C Walker

Total 37

Members voting against the motion:

Cllr T I B Cannon

Total 1

Members abstaining:

None

RESOLVED: That the recommendations at Minute CB 19/6 be approved and the Council Tax Resolution 2019/20, as set out as an Annex to these Minutes, be adopted.

C 19/14 BREXIT PREPAREDNESS

Item CB 19/7 referred from Cabinet minutes of 14 February 2019

RESOLVED: That the recommendations at Minute CB 19/7 be approved.

C 19/15 CHERRY ORCHARD/BRAMPTON FIELD, DITTON

Item CB 19/8 referred from Cabinet minutes of 14 February 2019

RESOLVED: That the recommendations at Minute CB 19/8 be approved.

C 19/16 REVENUES AND BENEFITS UPDATE REPORT

Item CB 19/9 referred from Cabinet minutes of 14 February 2019

Supplementary information was circulated updating the position regarding the local scheme for retail discount and providing details of the Local Council Tax Reduction Scheme 2019/20.

RESOLVED: That the recommendations at Minute CB 19/9 be approved.

C 19/17 AMENDMENT TO SCALE OF FEES FOR ELECTION STAFF

Consideration was given to the report of the Chief Executive regarding endorsement of an updated scale of fees for staff working during any elections scheduled or unscheduled in 2019.

RESOLVED: That the updated scale of fees set out at Annex 1 to the report be endorsed.

C 19/18 CHANGES TO CONSTITUTION

The report of the Director of Central Services and Monitoring Officer recommended changes to the Constitution to extend his existing delegation in respect of public rights of way to cover any Council functions relating to village greens. The issue had been highlighted by a current application to register a village green, in respect of which a response to the consultation was required within a timescale that precluded preparation of a report to the Council.

RESOLVED: That the Monitoring Officer be authorised to amend the Constitution to give effect to the changes outlined in the report.

C 19/19 APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to the report of the Director of Central Services regarding the nomination of a person to serve as a Trustee of the Tonbridge United Charity in place of Councillor R Lancaster. Thanks were recorded to Councillor Lancaster for his past service.

RESOLVED: That Councillor V Branson be nominated as a Trustee of the Tonbridge United Charity.

C 19/20 SEALING OF DOCUMENTS

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

The meeting ended at 8.27 pm

COUNCIL TAX

DRAFT RESOLUTION

1. It be noted that on 19th February 2019 the Council calculated:
 - (a) the Council Tax Base 2019/20 for the whole Council area as 50,820.61 [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	13,774.19
Addington	417.35
Aylesford	4,344.26
Birling	200.87
Borough Green	1,675.76
Burham	449.89
Ditton	1,796.93
East Malling & Larkfield	5,022.68
East Peckham	1,290.12
Hadlow	1,509.52
Hildenborough	2,193.06
Ightham	1,111.90
Kings Hill	4,029.94
Leybourne	1,961.37
Mereworth	436.54
Offham	386.46
Platt	892.91
Plaxtol	595.33
Ryarsh	392.08
Shipbourne	263.98
Snodland	3,720.03
Stansted	265.47
Trottiscliffe	269.31
Wateringbury	896.65
West Malling	1,125.37
West Peckham	179.03
Wouldham	699.02
Wrotham	920.59

2. £10,646,917 being the Council Tax requirement for the Council's own purposes for 2019/20 (excluding Parish precepts).

3. That the following amounts be calculated for the year 2019/20 in accordance with Sections 31 to 36 of the Act:

- (a) £91,505,630 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) £77,935,591 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £13,570,039 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) £267.02 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) £3,774,285 being the aggregate amount of all special items (Special expenses and Parish precepts) referred to in Section 34(1) of the Act.
- (f) £192.75 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relate (this is the Council Tax for General Expenses to which Special expenses and Parish precepts are added as applicable).

(g) <u>Part of the Council's area</u>	Band D £
Tonbridge	247.65
Addington	251.97
Aylesford	252.49
Birling	249.03
Borough Green	299.58
Burham	251.85
Ditton	342.90
East Malling & Larkfield	259.43
East Peckham	303.29
Hadlow	270.76
Hildenborough	224.55
Ightham	302.89
Kings Hill	273.90
Leybourne	290.41
Mereworth	267.27
Offham	248.16
Platt	278.12
Plaxtol	263.39
Ryarsh	258.47
Shipbourne	235.23
Snodland	279.37
Stansted	257.77
Trottiscliffe	254.02
Wateringbury	304.01
West Malling	302.49
West Peckham	222.91
Wouldham	265.76
Wrotham	297.15

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

(h)

Valuation Bands

<u>Part of the Council's area</u>	A £	B £	C £	D £	E £	F £	G £	H £
Tonbridge	165.10	192.62	220.13	247.65	302.68	357.72	412.75	495.30
Addington	167.98	195.98	223.97	251.97	307.96	363.96	419.95	503.94
Aylesford	168.33	196.38	224.44	252.49	308.60	364.71	420.82	504.98
Birling	166.02	193.69	221.36	249.03	304.37	359.71	415.05	498.06
Borough Green	199.72	233.01	266.29	299.58	366.15	432.73	499.30	599.16
Burham	167.90	195.88	223.87	251.85	307.82	363.78	419.75	503.70
Ditton	228.60	266.70	304.80	342.90	419.10	495.30	571.50	685.80
East Malling & Larkfield	172.95	201.78	230.60	259.43	317.08	374.73	432.38	518.86
East Peckham	202.19	235.89	269.59	303.29	370.69	438.09	505.48	606.58
Hadlow	180.51	210.59	240.68	270.76	330.93	391.10	451.27	541.52
Hildenborough	149.70	174.65	199.60	224.55	274.45	324.35	374.25	449.10
Ightham	201.93	235.58	269.24	302.89	370.20	437.51	504.82	605.78
Kings Hill	182.60	213.03	243.47	273.90	334.77	395.63	456.50	547.80
Leybourne	193.61	225.87	258.14	290.41	354.95	419.48	484.02	580.82
Mereworth	178.18	207.88	237.57	267.27	326.66	386.06	445.45	534.54
Offham	165.44	193.01	220.59	248.16	303.31	358.45	413.60	496.32
Platt	185.41	216.32	247.22	278.12	339.92	401.73	463.53	556.24
Plaxtol	175.59	204.86	234.12	263.39	321.92	380.45	438.98	526.78
Ryarsh	172.31	201.03	229.75	258.47	315.91	373.35	430.78	516.94
Shipbourne	156.82	182.96	209.09	235.23	287.50	339.78	392.05	470.46
Snodland	186.25	217.29	248.33	279.37	341.45	403.53	465.62	558.74
Stansted	171.85	200.49	229.13	257.77	315.05	372.33	429.62	515.54
Trottiscliffe	169.35	197.57	225.80	254.02	310.47	366.92	423.37	508.04
Waterringbury	202.67	236.45	270.23	304.01	371.57	439.13	506.68	608.02
West Malling	201.66	235.27	268.88	302.49	369.71	436.93	504.15	604.98
West Peckham	148.61	173.37	198.14	222.91	272.45	321.98	371.52	445.82
Wouldham	177.17	206.70	236.23	265.76	324.82	383.88	442.93	531.52
Wrotham	198.10	231.12	264.13	297.15	363.18	429.22	495.25	594.30

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 2019/20 The Police & Crime Commissioner for Kent, the Kent & Medway Fire & Rescue Authority and the Kent County Council have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

<u>Precepting Authority</u>	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
The Police & Crime Commissioner for Kent	128.77	150.23	171.69	193.15	236.07	278.99	321.92	386.30
Kent & Medway Fire & Rescue Authority	51.84	60.48	69.12	77.76	95.04	112.32	129.60	155.52
Kent County Council	866.28	1,010.66	1,155.04	1,299.42	1,588.18	1,876.94	2,165.70	2,598.84

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 2019/20, for each of the categories of dwellings shown below:

<u>Part of the Council's area</u>	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
Tonbridge	1,211.99	1,413.99	1,615.98	1,817.98	2,221.97	2,625.97	3,029.97	3,635.96
Addington	1,214.87	1,417.35	1,619.82	1,822.30	2,227.25	2,632.21	3,037.17	3,644.60
Aylesford	1,215.22	1,417.75	1,620.29	1,822.82	2,227.89	2,632.96	3,038.04	3,645.64
Birling	1,212.91	1,415.06	1,617.21	1,819.36	2,223.66	2,627.96	3,032.27	3,638.72
Borough Green	1,246.61	1,454.38	1,662.14	1,869.91	2,285.44	2,700.98	3,116.52	3,739.82
Burham	1,214.79	1,417.25	1,619.72	1,822.18	2,227.11	2,632.03	3,036.97	3,644.36
Ditton	1,275.49	1,488.07	1,700.65	1,913.23	2,338.39	2,763.55	3,188.72	3,826.46
East Malling & Larkfield	1,219.84	1,423.15	1,626.45	1,829.76	2,236.37	2,642.98	3,049.60	3,659.52
East Peckham	1,249.08	1,457.26	1,665.44	1,873.62	2,289.98	2,706.34	3,122.70	3,747.24
Hadlow	1,227.40	1,431.96	1,636.53	1,841.09	2,250.22	2,659.35	3,068.49	3,682.18
Hildenborough	1,196.59	1,396.02	1,595.45	1,794.88	2,193.74	2,592.60	2,991.47	3,589.76
Ightham	1,248.82	1,456.95	1,665.09	1,873.22	2,289.49	2,705.76	3,122.04	3,746.44
Kings Hill	1,229.49	1,434.40	1,639.32	1,844.23	2,254.06	2,663.88	3,073.72	3,688.46
Leybourne	1,240.50	1,447.24	1,653.99	1,860.74	2,274.24	2,687.73	3,101.24	3,721.48
Mereworth	1,225.07	1,429.25	1,633.42	1,837.60	2,245.95	2,654.31	3,062.67	3,675.20
Offham	1,212.33	1,414.38	1,616.44	1,818.49	2,222.60	2,626.70	3,030.82	3,636.98
Platt	1,232.30	1,437.69	1,643.07	1,848.45	2,259.21	2,669.98	3,080.75	3,696.90
Plaxtol	1,222.48	1,426.23	1,629.97	1,833.72	2,241.21	2,648.70	3,056.20	3,667.44
Ryarsh	1,219.20	1,422.40	1,625.60	1,828.80	2,235.20	2,641.60	3,048.00	3,657.60
Shipbourne	1,203.71	1,404.33	1,604.94	1,805.56	2,206.79	2,608.03	3,009.27	3,611.12
Snodland	1,233.14	1,438.66	1,644.18	1,849.70	2,260.74	2,671.78	3,082.84	3,699.40
Stansted	1,218.74	1,421.86	1,624.98	1,828.10	2,234.34	2,640.58	3,046.84	3,656.20
Trottscliffe	1,216.24	1,418.94	1,621.65	1,824.35	2,229.76	2,635.17	3,040.59	3,648.70
Wateringbury	1,249.56	1,457.82	1,666.08	1,874.34	2,290.86	2,707.38	3,123.90	3,748.68
West Malling	1,248.55	1,456.64	1,664.73	1,872.82	2,289.00	2,705.18	3,121.37	3,745.64
West Peckham	1,195.50	1,394.74	1,593.99	1,793.24	2,191.74	2,590.23	2,988.74	3,586.48
Wouldham	1,224.06	1,428.07	1,632.08	1,836.09	2,244.11	2,652.13	3,060.15	3,672.18
Wrotham	1,244.99	1,452.49	1,659.98	1,867.48	2,282.47	2,697.47	3,112.47	3,734.96

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 21st February, 2019

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 J L Botten, Cllr D J Cure, Cllr M O Davis, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr Miss J L Sergison and Cllr C P Smith

Apologies for absence were received from Councillors P F Bolt, H S Rogers, Ms S V Spence, Miss G E Thomas and F G Tombolis

PART 1 - PUBLIC

AP1 19/8 DECLARATIONS OF INTEREST

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

AP1 19/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 17 January 2019 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)

AP1 19/10 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.

AP1 19/11 TM/18/02206/FL - DEVELOPMENT SITE SOUTH PART OF WEST KENT COLLEGE, BROOK STREET, TONBRIDGE

Demolition of existing buildings and development of 53 dwellings comprising; 10 x 1 bed and 23 x 2 bed apartments in a part 3/4 storey building and 12 x 3 bed and 8 x 4 bed houses in part 2.5/3 storey buildings along with associated vehicular and pedestrian access, car parking and landscaping at Development Site, South part of West Kent College, Brook Street, Tonbridge.

RESOLVED: That the application be DEFERRED for a Members' site inspection.

[Speakers: Graeme Hall, Andrew Brett, Diane Huntingford of Tonbridge Civic Society, Brian Marchant and Pam Mills – members of the public and Tracy Puttock – applicant]

AP1 19/12 TM/18/02515/FL - 7 DRY HILL PARK CRESCENT, TONBRIDGE

Change of use from Class C2 Care Home to Suis Generis, House in Multiple Occupation, providing accommodation for 11 occupants at 7 Dry Hill Park Crescent, Tonbridge.

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

1. The proposed change of use to an eleven bedroom House in Multiple Occupation would result in an unacceptable intensification of the use of the property which would cause harm to the living conditions of the neighbouring residential occupiers by virtue of the resultant levels of activity and associated noise and disturbance. As such, the proposal is not compatible with its immediate surroundings and would cause harm to residential amenity and is therefore contrary to policies CP1 and CP24 of the Tonbridge and Malling Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

[Speakers: John Ventress, Rob Arnold, Peter Seldon and Barbara Watson – members of the public]

AP1 19/13 TM/18/02683/FL - 11A DOUGLAS ROAD, TONBRIDGE

Demolition of detached bungalow and erection of 2x 3 bedroom semi-detached dwellings at 11A Douglas 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 the addition of Condition 6 and Informatives 1 and 2 as follows:-

6. Prior to the commencement of the development hereby approved, arrangements for the management of all construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and the hours of the day when the construction works will be limited to and the measures to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when these deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
- Procedures for notifying neighbouring properties as to the ongoing timetabling of works, the nature of the works and their likely duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

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

Infomatives:

1. Notwithstanding the answer provided at Question 12 of the submitted application form, the applicant is advised that surface water must not discharge into the public sewer.

2. In preparing the details pursuant to Condition 6, the applicant is advised that proper and correct measures for the disposal of all waste material must be put in place and strictly adhered to.

[Speakers: Steve Coulstock and Sarah Smith – members of the public; and Neil Thompson – agent]

AP1 19/14 TM/18/02756/AT - UNIT 2 SWANMEAD WAY, TONBRIDGE

Consent to display 5 no. fascia signs and 1 no. freestanding sign at Unit 2 Swanmead Way, Tonbridge.

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

1. The fascia sign, by virtue of its prominent position, excessive overall size when combined with its means of illumination, would be an intrusive feature which would be harmful to the visual amenities of the locality and the setting of the Conservation Area. As a result, it would be contrary to the requirements of paragraph 132 of the National Planning Policy Framework (2018), the Town and Country Planning (Control of Advertisement) (England) Regulations 2007, policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

[Speakers: Peter Charlton and Diane Huntingford of Tonbridge Civic Society – members of the public]

AP1 19/15 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 27th February, 2019

Present: Cllr Mrs F A Kemp (Chairman), Cllr B J Luker (Vice-Chairman),
Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr R P Betts,
Cllr M A Coffin, Cllr Mrs S L Luck, Cllr 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 Mrs S M Barker, P J Montague, L J O'Toole and S C Perry

PART 1 - PUBLIC

AP2 19/8 DECLARATIONS OF INTEREST

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

AP2 19/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 23 January 2019 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 19/10 DEVELOPMENT CONTROL

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

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

AP2 19/11 TM/18/02268/FL - ST GEORGES COURT, WEST STREET, WROTHAM

Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage at St Georges Court, West Street, Wrotham.

Disappointment was expressed at the removal of the covenant. However, it was accepted that this concern did not represent a valid planning reason for refusal.

RESOLVED: That planning permission be GRANTED subject to:

- (1) the applicant entering into a legal agreement covering the provision of 40% affordable housing across the scheme and contributions towards primary and secondary education; and
- (2) the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Jane Savill – member of the public; Janet Barnett/Andrew Brown – agent/architect]

AP2 19/12 TM/18/01930/FL - KENTFIELD FARM, TOWER HILL, OFFHAM

Erection of a temporary marquee on the site to be used in conjunction with the existing lapa for weddings/events; the erection of 3 holiday let units (timber pods); and utilisation of existing access from Teston Road, Kentfield Farm, Tower Hill, Offham.

RESOLVED: That temporary planning permission be GRANTED for a period of 1 year in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

- (1) Amended Conditions:
 4. The development shall not be brought into use until a detailed Management Plan for the operation of the events/functions has been submitted to and approved by the Local Planning Authority.
This shall include:
 - provisions outlining how the holiday lets and existing lodge building are to be used during or in conjunction with the events;
 - measures to monitor, control and manage noise from the events, including from areas outside of the lapa/marquee;

- provisions to manage vehicles entering, leaving and parking on the site;
- provisions to maintain and regenerate the grassed areas on the site used for parking for the events;
- measures to reduce the total number of vehicles accessing the site for events;
- measures to ensure that vehicle movements along Tower Hill from the uses will be minimised.

The events/functions shall at all times thereafter be undertaken in strict accordance with the approved Management Plan.

Reason: To minimise noise and other nuisance and visual impact from the operation of the development.

8. The events/functions shall not be operational outside of the hours 1100 to 2300 and all persons shall vacate the site by midnight.

Reason: To adequately protect the amenities of residents in the local area.

9. The events/functions shall be conducted in strict accordance with Section 14 'Mitigation and Management' of the submitted Environmental Impact Assessment (Noise) Report (Prepared by SPL Tract Limited – updated 17 January 2019). This shall include loudspeakers being positioned only in the lapa facing south and the installation of two solid partitions behind the loudspeakers to act as baffles. A noise limiter shall be used to ensure that noise levels in the Lodge do not exceed 95dBLAeq(15) as recommended by the Code of Practice.

Reason: To adequately protect the aural amenity of residents in the local area.

(2) Additional Conditions:

16. Any live music or performances in the marquee shall be restricted to non-amplified acoustic instruments only with the use of amplified equipment restricted to background music or spoken words only. No music or amplified sound shall be played outside of the lapa or marquee.

Reason: To adequately protect the amenities of residents in the local area.

17. The development hereby permitted shall cease on or before 31 March 2020. On or before this date, the development carried out in pursuance to this permission shall be demolished/removed from the site in totality and the land restored to its former condition and used in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the development will not harm residential amenities in the locality.

18. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended), the land subject to this permission shall not be used for any purpose other than those permitted under this planning permission.

Reason: In the interests of the character and visual amenity of the area and neighbouring amenities.

[Speakers: Offham Parish Council – David Frankling; Peter Lloyd-Williams, Susanne Young, Beverly Berman and Claire Innes – members of the public and Mr Barwick/Mr Beale – applicant/sound specialist]

AP2 19/13 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 COMMITTEE

Tuesday, 12th March, 2019

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

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

An apology for absence was received from Councillor D Keers (Vice-Chairman)

PART 1 - PUBLIC

LA 19/12 DECLARATIONS OF INTEREST

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

LA 19/13 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 24 January 2019 be approved as a correct record and signed by the Chairman.

LA 19/14 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 25 January 2019 be received and noted.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 19/15 STATEMENT OF LICENSING POLICY 2019 - 2024 CONSULTATION

Further to Minute LA 19/4, the report of the Director of Central Services and Monitoring Officer indicated that the Statement of Licensing Policy 2019 – 2024 had been issued for public consultation from 25 January to 1 March 2019 as a result of which no responses had been received. A copy of the proposed Statement of Licensing Policy was annexed to the report.

RECOMMENDED: That the draft Statement of Licensing Policy set out at Annex 1 to the report be adopted by the Council.

***Referred to Council**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

LA 19/16 PROPOSED NEW TAXI LEGISLATION

The report of the Director of Central Services and Monitoring Officer advised that the Government had announced its plans to introduce new taxi legislation giving Licensing Authorities greater power to enforce standards against “out of town” vehicles and drivers operating in their areas. A copy of the proposed statutory guidance upon which views were being sought by 22 April was set out at Annex 1 to the report. A presentation was given on the consultation questions and Members’ feedback on the suggested answers noted. The final copy of the response would be submitted in liaison with the Chairman.

The Government’s response to the recommendations of the Task and Finish Group regarding the adequacy of the current taxi and private hire vehicle licensing authority powers was also shown at Annex 2 to the report.

RESOLVED: That the report be received and noted and the final consultation return, incorporating Members’ feedback, be submitted in liaison with the Chairman.

LA 19/17 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.26 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 14th March, 2019

Present: Cllr F G Tombolis (Vice-Chairman in the Chair),
Cllr Mrs J A Anderson, Cllr M C Base, Cllr J L Botten,
Cllr R W Dalton, Cllr Mrs F A Kemp, Cllr Mrs S L Luck,
Cllr M R Rhodes, Cllr M Taylor, Cllr Miss G E Thomas and Mr D Still
(co-opted Member).

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

Apologies for absence were received from Councillors A K Sullivan
(Chairman), Mrs A S Oakley (Vice-Chairman), P F Bolt and D Keers

PART 1 - PUBLIC

OS 19/8 DECLARATIONS OF INTEREST

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

OS 19/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and
Scrutiny Committee held on 22 January 2019 be approved as a correct
record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 19/10 THE INDUCTION PROCESS FOR NEW MEMBERS

Following a recent review of the Member Induction process, the report of
the Chief Executive set out options for improvement for newly elected
Members. It was proposed that the new measures be implemented
from the Borough Council elections on 2 May 2019.

Members welcomed the introduction of a series of shorter induction
meetings which would concentrate on the Constitution, the Code of
Conduct, the Scheme of Allowances and practical issues around
meeting protocols and use of emails.

A number of ideas were put forward for further consideration. These
included the addition of maps of the Borough and locations of internal
meeting rooms and a directory of how to respond to routine requests
from residents, such as missed bins and graffiti, to be placed in the

Welcome Pack given to new councillors at the count. Members also suggested that the programme be extended to include councillors elected as a result of a by-election.

Particular reference was made to the value of informal meetings between newly elected and experienced Members where general advice and guidance could be shared.

Finally, the Committee considered it beneficial for new Members to have a coach trip to strategic sites in the Borough and for a 'buddy system' to be adopted to offer informal advice on any issues or concerns during the first few months. It was also noted that Democratic (Committee) Services could support the 'buddy system' by signposting new Members to relevant service areas and offering general advice on issues related to meetings.

RECOMMENDED: That the proposals outlined in the report and raised by the Committee (summarised above) be agreed and implemented as part of the Member Induction Process for 2019.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 19/11 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 19th March, 2019

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 O C Baldock, M C Base, D J Cure, Mrs A S Oakley and A K Sullivan were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 19/28 DECLARATIONS OF INTEREST

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

CB 19/29 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 14 February 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 19/30 UPDATE ON THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN AND THE ADOPTION OF THE HIGH WEALD MANAGEMENT PLAN

Item PE 19/3 referred from Planning and Transportation Advisory Board minutes of 5 March 2019

The Cabinet received the recommendations of the Planning and Transportation Advisory Board at its meeting of 5 March 2019 regarding reviews of the Kent Downs Area of Outstanding Natural Beauty (AONB) and High Weald AONB Management Plans.

RECOMMENDED: That

- (1) the adoption of the High Weald AONB Management Plan 2019 – 2024 as a material planning consideration by 31 March 2019 be confirmed by the Council; and
- (2) the Kent Downs AONB Management Plan 2014 – 2019 be retained as a material consideration in its current form unless and

until a revised and amended Plan has been agreed and adopted by all Local Authorities.

***Referred to Council**

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE FUNCTIONS)

CB 19/31 INNOVATION PARK MEDWAY - MASTERPLAN

Decision Notice D190032CAB

MATTERS SUBMITTED FOR INFORMATION

CB 19/32 MATTERS REFERRED FROM ADVISORY BOARDS

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

Economic Regeneration Advisory Board of 20 February 2019
Communities and Housing Advisory Board of 26 February 2019
Planning and Transportation Advisory Board of 5 March 2019

RESOLVED: That the report be received and noted.

CB 19/33 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS

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

Parish Partnership Panel of 7 February 2019
Tonbridge Forum of 25 February 2019
Joint Transportation Board of 11 March 2019

RESOLVED: That the report be received and noted.

CB 19/34 STRATEGIC RISK REGISTER

The report of the Management Team provided an update on the current strategic risks and how they were being managed. The latest iteration of the Strategic Risk Register was annexed to the report and reflected preparations for any impacts of Brexit on the local community, the implementation of the new waste contract and cyber security. It was noted that a separate risk register for cyber security was being prepared as recommended following the Local Government Association's cyber security stocktake.

RESOLVED: That the report be received and noted.

CB 19/35 FAIR FUNDING REVIEW

The report of the Director of Finance and Transformation advised that alongside the 2019/20 provisional local government finance settlement, the Ministry of Housing, Communities and Local Government (MHCLG) had confirmed its intention to implement the Fair Funding Review in April 2020 and had published a further consultation paper. The report provided an overview of the paper, "Review of local authorities' relative needs and resources", together with the response agreed in liaison with the Cabinet Member for Finance, Innovation and Property for submission by the 21 February 2019 deadline.

RESOLVED: That the report be received and noted.

CB 19/36 BUSINESS RATES RETENTION REFORM

The report of the Director of Finance and Transformation advised that alongside the 2019/20 provisional local government finance settlement, the MHCLG had confirmed the aim of introducing 75% Business Rates Retention for all in 2020/21. The report provided an overview of the consultation paper on possible changes to the system entitled "Business Rates Retention Reform", together with the response agreed with the Cabinet Member for Finance, Innovation and Property for submission by the 21 February 2019 deadline.

RESOLVED: That the report be received and noted.

CB 19/37 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

**DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE
CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE FUNCTIONS)**

CB 19/38 DEBTS FOR WRITE OFF

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

Decision Notice D190033CAB

The meeting ended at 7.51 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

**Decision No:
D190018MEM**

Date: 20 February 2019

Decision(s) and Reason(s)

Future High Streets Fund - Expression of Interest

(Report of Chief Executive)

The report set out information on the Future High Streets Fund and sought approval for submission of an Expression of Interest for Tonbridge, which had to be submitted to the Ministry of Housing, Communities and Local Government by 22 March 2019.

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

- (1) the content of the report be noted; and
- (2) delegated authority be granted to the Director of Planning, Housing and Environmental Health and the Director of Central Services, in consultation with the Leader, the Cabinet Member for Finance, Innovation and Property and the Cabinet Member for Strategic Planning and Infrastructure, to finalise an Expression of Interest and submit to the Ministry of Housing, Communities and Local Government by 22 March 2019.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 20 February 2019.

Signed Cabinet Member for
Economic Regeneration and N Heslop
Leader:

Signed Chief Executive: J Beilby

Date of publication: 22 February 2019

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:
D190019MEM**

Date: 20 February 2019

Decision(s) and Reason(s)

Fairtrade Tonbridge Action Plan

(Report of Chief Executive)

The report sought endorsement of an Annual Action Plan 2019 following the success of Tonbridge in securing Fairtrade Town Status in October 2018. In addition, the Fairtrade resolution approved by the Borough Council in February 2018 had been reviewed and it was proposed that this was updated to reflect that Fairtrade status had been achieved, a Steering Group was in operation and Fairtrade products had been used at some Borough Council events.

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

- (1) the Annual Action Plan, as set out in Appendix 1 to the report, be endorsed; and
- (2) the resolution, set out in full in paragraph 1.3.1 of the report and summarised above, be approved.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 20 February 2019.

Signed Cabinet Member for
Economic Regeneration and N Heslop
Leader

Signed Chief Executive: J Beilby

Date of publication: 22 February 2019

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:
D190020MEM**

Date: 26 February 2019

Decision(s) and Reason(s)

Tonbridge Allotments Association - Proposed Charges

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

The report brought forward for approval a proposed review of charges for allotments in Tonbridge which were managed and maintained on behalf of the Council by the Tonbridge Allotments and Gardens Association. It was noted that the last increase in charges had been implemented in October 2015.

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

The proposed increase in charges for Tonbridge Allotments, as detailed in the report and in line with a request from the Tonbridge Allotments Association, be approved and implemented with effect from 1 October 2019.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 26 February 2019.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 1 March 2019

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: D190021MEM

Date: 26 February 2019

Decision(s) and Reason(s)

Haysden Country Park - User Survey Results

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

The report gave details of the results of the 2018 casual user survey carried out at Haysden Country Park which showed high levels of user satisfaction. Potential improvements were brought forward for consideration.

It was requested that thanks be conveyed to the rangers and volunteers.

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

- (1) the 2018 casual user market survey results for Haysden Country Park be noted; and
- (2) improvements be progressed in accordance with the approach outlined in the report and be included within the next Management Plan for the Park.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 26 February 2019.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 1 March 2019

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:
D190022MEM**

Date: 26 February 2019

Decision(s) and Reason(s)

Capital Plan Projects

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

The report gave details of progress with key projects included in the Council's Capital Plan and presented three post implementation reviews for consideration.

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

- (1) the updates on the current schemes within the Capital Plan, as shown at Annex 1 to the report, be noted;
- (2) the post implementation review for Leybourne Lakes Country Park Car Park Extension, as shown at Annex 2 to the report, be approved;
- (3) the post implementation review for Tonbridge Memorial Garden, as shown at Annex 3 to the report, be approved; and
- (4) the post implementation review for Larkfield Leisure Centre Health Suite, as shown at Annex 4 to the report, be approved.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 26 February 2019.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 1 March 2019

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:
D190023MEM

Date: 26 February 2019

Decision(s) and Reason(s)

Rough Sleeping Update

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

The report gave an update on the number of rough sleepers in the Borough following the recent annual estimate and presented details of the Council's response to the rise in rough sleeping based on four distinct workstreams.

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

- (1) the rise in rough sleeping in the Borough be acknowledged together with the work identified to prevent the upward trend from continuing and the number of rough sleepers escalating;
- (2) the role of the Council in co-ordinating agency responses to reports of rough sleepers via the delivery of a joint protocol be endorsed;
- (3) the revised Severe Weather Emergency Protocol (SWEP) be approved in recognition of the more flexible approach the Council will take to ensure the health and wellbeing of those who may be sleeping rough on the streets;
- (4) the development of a feasibility study considering the role of a night shelter be supported; and
- (5) the bid made to the Ministry of Housing, Communities and Local Government (MHCLG) for funding to support the work around rough sleeping be endorsed.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 26 February 2019.

Signed Cabinet Member for Housing P Montague

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 1 March 2019

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:
D190024MEM

Date: 26 February 2019

Decision(s) and Reason(s)

Houses in Multiple Occupation

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

The report gave details of the amenity standards for Houses in Multiple Occupation (HMOs) that enforcement officers would apply when inspecting HMOs to determine whether they were suitable for occupation by a maximum number of households or persons. The updated standards reflected legislative changes in respect of mandatory national minimum sleeping room sizes and waste disposal provision.

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

The amenity standards for houses in multiple occupation 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 26 February 2019.

Signed Cabinet Member for Housing P Montague

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 1 March 2019

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:
D190025MEM

Date: 26 February 2019

Decision(s) and Reason(s)

Housing Assistance Policy Amendments

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

The report proposed some minor amendments to the Housing Assistance Policy to update the Warm Homes Assistance Scheme eligibility criteria to reflect the changes to the Government's Energy Company Obligation scheme. Details were also given of circumstances where private landlords would be provided with Warm Homes Assistance.

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

The proposed amendments to the Housing Assistance Policy, as set out in the report and at Annex 1 thereto, be approved.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 26 February 2019.

Signed Cabinet Member for Housing P Montague

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 1 March 2019

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:
D190026MEM**

Date: 26 February 2019

Decision(s) and Reason(s)

Updated Safeguarding Policy and Reporting Procedure

(Report of Chief Executive)

The report sought approval of amendments to the Council's Safeguarding Policy and Reporting Procedure to reflect changes to policy and legislation. Whilst much of the detail remained the same, the report highlighted the significant changes leading to the update.

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

The updated Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk set out at Annex 1 to the report be approved.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 26 February 2019.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 1 March 2019

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:
D190027MEM**

Date: 26 February 2019

Decision(s) and Reason(s)

Key Voluntary Sector Bodies - Grant Support

(Report of Chief Executive)

The report gave details of summaries of progress achieved against the objectives set out in the Service Level Agreements with a number of key voluntary sector bodies at the end of the final year of the agreements. Consideration was then given to grant support for 2019/20. It was noted that each organisation would be required to submit copies of their accounts and a forward budget before any payment was made.

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

Subject to receipt of satisfactory accounts and business plans, the following grants be confirmed for the period 1 April 2019 – 31 March 2020:

Citizens Advice North and West Kent (CANWK) - £95,000

Age Concern Malling - £8,000

Age UK Sevenoaks and Tonbridge - £8,000

Maidstone and West Kent Mediation Schemes - £4,800

Imago - £4,000

Involve - £4,000

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 26 February 2019.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 1 March 2019

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:
D190028MEM**

Date: 05 March 2019

Decision(s) and Reason(s)

Kent Minerals and Waste Local Plan 2013-2030 and the Draft Minerals Site Plan - Response to Consultation

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

The report provided details of the Kent County Council review of the Kent Minerals and Waste Local Plan 2013 – 2030 and the Draft Minerals Site Plan and recommended an officer level response to the consultation being carried out under Regulation 19. The deadline for response was Friday 8 March 2019.

Significant concerns were raised regarding the protection and restoration of land once quarrying had ceased and expressed a preference for the site at Stonecastle Farm, Hadlow to be returned to agricultural use. In addition, concern was expressed at the impact of the quarry extension on the green belt; residential amenity and heritage assets; flooding and transport issues and the cumulative effect of both sites (Stonecastle Farm, Hadlow and Moat Farm, Five Oak Green) on the area.

Finally, reference was made to the proposed access on to the main A228 highway from Stonecastle Farm and strong concerns were raised regarding any proposed alternative access on to Hartlake Road given the rural nature of the local highway network.

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

- (1) subject to the concerns raised by Members and summarised above, the proposed responses set out at paragraphs 1.3, 1.5 and 1.6 of the report form the basis of the Borough Council's formal response to the Kent County Council Regulation 19 consultation; and**
- (2) the proposed response be finalised in consultation with the Cabinet Member for Strategic Planning and Infrastructure and submitted by the consultation deadline of Friday 8 March 2019.**

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 5 March 2019.

Signed Cabinet Member for Strategic Planning and Infrastructure	H Rogers
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	8 March 2019

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:
D190029MEM**

Date: 05 March 2019

Decision(s) and Reason(s)

Transportation Update

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

The report provided an overview of a Department for Transport (DfT) consultation related to the introduction of smart ticketing on the rail network in the wider South East. There was specific reference to the South Eastern route and stations in the Borough.

Members welcomed the introduction of smart ticketing and asked that any potential impacts on super saver and off peak tickets be considered as part of the consultation.

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

- (1) the content of the report be noted;
- (2) the issues raised in response to the Pay-as-you-go rail consultation, set out in the report and summarised in paragraphs 1.3.1 – 1.3.4, be agreed and submitted to the Department for Transport by 1 May 2019.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 5 March 2019.

Signed Cabinet Member for
Strategic Planning and
Infrastructure

H Rogers

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

8 March 2019

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:
D190030MEM**

Date: 05 March 2019

Decision(s) and Reason(s)

Local Plan Update

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

The report provided an update in respect of the Local Plan submission to the Secretary of State in January and advised of preparations for the Examination.

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

- (1) the content of the report be noted; and
- (2) the Director of Planning, Housing and Environmental Health, in consultation with the Leader, Deputy Leader and Cabinet Member for Strategic Planning and Infrastructure, be given delegated authority to liaise with the Local Plan Inspectors and undertake any activity necessary to comply with their requirements and requests.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 5 March 2019.

Signed Cabinet Member for
Strategic Planning and
Infrastructure

H Rogers

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

8 March 2019

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:
D190031MEM**

Date: 11 March 2019

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 content of Phase 11 of the Parking Action Plan, highlighted the outcome of consultations on Access Driven Amendments and provided an update on the ongoing Parking Reviews at Kings Hill, Hadlow and Hildenborough. Details of the locations included in Phase 11 were set out in Annex 1 to the report while Annexes 2 and 3 provided details of schemes held on a 'holding list' of sites which could be considered in future phases of the Parking Action Plan.

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

- (1) the list of locations identified in Annex 1 to the report be taken forward for investigation and informal consultation as Phase 11 of the Parking Action Plan; and
- (2) the list of locations identified in Annex 2 to the report be held on a list for the next cycle of the Phased Parking Action Plan.

In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules the Leader nominated the Cabinet Member for Strategic Planning and Infrastructure to take this decision in the absence of the Cabinet portfolio holder (Street Scene and Environment Services).

Reasons: As set out in the report submitted to the Joint Transportation Board of 11 March 2019.

Signed Cabinet Member for Strategic Planning and Infrastructure	H Rogers
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	15 March 2019

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: D190032CAB

Date: 19 March 2019

Decision(s) and Reason(s)

Innovation Park Medway - Masterplan

(Report of Chief Executive)

Further to Decision No D180052MEM, the report gave details of the consultation exercise undertaken on the Innovation Park Medway Masterplan promoted by Medway Council. Approval was sought for the Borough Council to adopt the document for economic development and marketing purposes following which the two authorities would work collaboratively in bringing forward Local Development Order coverage for the site.

The Cabinet resolved that:

- (1) the Innovation Park Medway Illustrative Masterplan be adopted for economic development and marketing purposes, subject to Highways England confirming they are content with the masterplan; and
- (2) authority be delegated to the Chief Executive to address any minor issues raised by Highways England and approve minor changes to the masterplan prior to publication for the purpose of presentation or improving clarity.

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

Signed Chief Executive:

J Beilby

Date of publication: 22 March 2019

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: D190033CAB
Date: 19 March 2019

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 £5,000 which had been written-off in accordance with Financial Procedure Rule 18.2 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 6 items shown in the schedule of amounts over £5,000, totalling £57,226.50 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 2019

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 Licensing and Appeals Panels held on 22 March 2019 are *'to follow'*

- Minutes of the Audit Committee held on 1 April 2019 are *'to follow'*

- Minutes of the Area 1 Planning Committee held on 4 April 2019 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)
8.	22 March: Licensing and Appeals Panels (2) <ul style="list-style-type: none">- Minute Numbers: LA 19/18 – 20- Minute Numbers: LA 19/21 – 23	3 - 6
9.	1 April: Audit Committee <ul style="list-style-type: none">- Minute Numbers: AU 19/14 – 26	7 - 10
10.	4 April: Area 1 Planning Committee (To Follow) <ul style="list-style-type: none">- Meeting cancelled	11 - 12

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, 22nd March, 2019

Present: Cllr O C Baldock (Chairman), Cllr Mrs P A Bates and
Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 19/18 DECLARATIONS OF INTEREST

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

LA 19/19 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE
CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

**LA 19/20 REVIEW OF PRIVATE HIRE OPERATOR LICENCE –
CASE NO 01/2019**

(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 Private Hire Operator following the receipt of information from Kent County Council that an out-of-date licence plate had been displayed on a vehicle being used to carry out a school run with vulnerable passengers on 29 August 2018. It was noted that an application to renew the vehicle's licence had been submitted on 24 August 2018 but that no licence or plates had been issued when the vehicle was used and, therefore, the vehicle was not licensed.

In addition, on 5 September 2018, an authorised officer of the Council undertaking a joint Enforcement with Kent County Council in Tunbridge Wells, had observed that the external plate for PH 612 was displayed

within the rear window. The Panel was advised that it was the Operator's responsibility to ensure that vehicle plates were affixed in the correct manner.

In its deliberations the Panel took into account the Council's Taxi Licensing and Enforcement Policy as well as the Institute of Licensing guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trade. The Panel considered the breach to be serious and took the view that the licensed Private Hire Operator should have known that his vehicle was displaying an out-of-date plate. In particular the Panel had regard to sections 13.1.5, P34, 15.10.2 and 15.10.3 of the Council's Hackney Carriage and Private Hire Policy. The Panel found that the renewal plate was valid from 24 August 2018 but had not been picked up from the Council offices.

For these reasons the Panel

RESOLVED: That a strongly worded letter be issued to the Operator, detailing the need to not only renew all plates in plenty of time but to ensure that, in line with best practice, procedures are put in place to ensure future compliance.

The meeting ended at 11.37 am
having commenced at 10 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 22nd March, 2019

Present: Cllr O C Baldock (Chairman), Cllr Mrs P A Bates and
Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 19/21 DECLARATIONS OF INTEREST

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

LA 19/22 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE
CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

**LA 19/23 APPLICATION FOR A HACKNEY CARRIAGE DRIVER LICENCE -
CASE NO 04/2019**

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

The Panel was asked to consider whether an application for a Hackney Carriage Driver Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS). It was noted that the Applicant had produced the DBS Certificate when he had submitted the application for the driver's licence on 30 October 2018. The Certificate had shown that the Applicant had a conviction for Deposit without an Environmental waste permit controlled waste in/on land – Environmental Protection Act 1990 S.33(1)(A) in 2012.

In its deliberations the Panel took into account the Council's Taxi Licensing and Enforcement Policy as well as the Institute of Licensing

guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trade.

The Panel, having considered the facts and listened to the circumstances of the DBS statement, found that the Applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence and, therefore,

RESOLVED: That the application for a Hackney Carriage Driver's Licence be GRANTED.

The meeting ended at 12.05 pm
having commenced at 11.45 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 1st April, 2019

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 P Dossett (Partner)

Councillors M A Coffin, N J Heslop, D Lettington and M R Rhodes 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 19/14 DECLARATIONS OF INTEREST

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

AU 19/15 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 21 January 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

AU 19/16 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 2018/19 and concluded that the required assurance set out in the Chartered Institute of Public Finance and Accountancy (CIPFA) Guidance 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 19/17 LOCAL CODE OF CORPORATE GOVERNANCE

The joint report of the Chief Executive and the Director of Central Services reminded Members that the Local Code of Corporate Governance had been substantially updated in 2017. Members were advised that following the adoption of the Council's new Constitution on 31 July 2018 the Local Code had been revisited and no further amendments were proposed. However, Members' attention was drawn to recent changes in Data Protection legislation and the need to update the 'Managing Data' and 'Respecting the Rule of Law' sections of the Local Code to reflect this. With regard to the latter section, and in particular the item 'Dealing with breaches of legal and regulatory provisions effectively' the Committee asked that the final paragraph be amended to read: 'The Council has appointed a Data Protection Officer, in accordance with GDPR, to ensure that following an internal investigation data breaches are reported to the ICO where necessary.'

RECOMMENDED: That, subject to the amendment of Section 1.3 as set out above, the revised Local Code of Corporate Governance, as set out at Annex 1 to the report, be commended for adoption by the Council.

***Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

AU 19/18 INTERNAL AUDIT AND FRAUD PLAN 2019/20

The report of the Chief Audit Executive presented the Internal Audit and Fraud Plan for 2019/20 which received positive feedback from Grant Thornton, the external auditor.

RESOLVED: That the Internal Audit and Fraud Plan for 2019/20, as set out in Annex 1 to the report, be approved.

AU 19/19 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 provide assurance to the external auditor under International Standards on Auditing. Members considered the question asked and accompanying response which had been agreed with the Chairman and noted that the Management Team was also required to provide assurance in this regard and that this was the subject of a separate report.

RESOLVED: That the response set out in Annex 1 to the report be endorsed.

MATTERS SUBMITTED FOR INFORMATION

AU 19/20 MANAGEMENT TEAM ASSURANCE ON COMPLIANCE WITH INTERNATIONAL STANDARDS ON AUDITING

The Committee received the report of the Management Team on assurance provided to the external auditor under 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 19/19 refers).

RESOLVED: That the report be received and noted.

AU 19/21 TREASURY MANAGEMENT PERFORMANCE UPDATE

The report of the Director of Finance and Transformation provided details of investments undertaken and return achieved during the period 1 April 2018 to 28 February 2019.

RESOLVED: That the report be received and noted.

AU 19/22 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 2018 to 28 February 2019. Support was expressed for a review of how Member attendance might be better communicated/published post the 2019 Borough Council Election.

RESOLVED: That the report be received and noted.

AU 19/23 SCALE OF AUDIT FEES FOR 2019/20

The report of the Director of Finance and Transformation informed Members of the scale of fees for the audit of the 2019/20 accounts set by Public Sector Audit Appointments Limited (PSAA).

RESOLVED: That the report be received and noted.

AU 19/24 GRANT THORNTON - PROGRESS REPORT AND SECTOR UPDATE

The report of the Director of Finance and Transformation introduced an Audit Progress Report and Sector Update provided by the External Auditor, Grant Thornton.

RESOLVED: That the report be received and noted.

AU 19/25 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 19/26 INSURANCE CLAIMS HISTORY: APRIL 2018 - MARCH 2019**

(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 March 2019.

RESOLVED: That the report be received and noted.

The meeting ended at 8.20 pm

- Area 1 Planning Committee of 4 April 2019 was cancelled

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

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3. 9 April: Special Council <ul style="list-style-type: none">- Minute Numbers: C 19/36 - 37	15 - 16
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5. 25 April: Area 3 Planning Committee <ul style="list-style-type: none">- Minute Numbers: AP3 19/7 - 12	21 - 22
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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, 5th April, 2019

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

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 19/24 DECLARATIONS OF INTEREST

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

LA 19/25 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)**

**LA 19/26 APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S
LICENCE - CASE NO 03/2019**

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to any individual)

The Panel was asked to consider whether an application for the renewal of a Private Hire Driver's Licence should be granted under s.61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 following the receipt of information from the Disclosure and Barring Service (DBS). It was noted that the Applicant, in submitting his renewal application on 10 January 2018, had failed to declare the receipt of a police caution for Common Assault on 18 June 2015, Criminal Justice Act 1988 s.39.

The Panel had due regard to the report of the Director of Central Services, DBS Certificate Number 001632797161, the sections of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire relating to the Disclosure and Barring Service check, assessment of

'Fit and Proper Person' and the relevance of previous convictions, together with the Institute of Licensing Guidance on determining the suitability of applicants.

The Panel, having considered the facts that the Applicant had received a police caution which he had failed to declare on his application form or to inform the Council of the caution during the previous licence period as required under the Council's policy,

RESOLVED: That the application for the renewal of Private Hire Driver Licence (Badge No 48) be REFUSED.

The meeting ended at 10.55 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 5th April, 2019

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

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 19/27 DECLARATIONS OF INTEREST

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

LA 19/28 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)

LA 19/29 APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - CASE NO 05/2019

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to any individual)

The Panel was asked to consider whether an application for the renewal of a Private Hire Driver's Licence should be granted under s.61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 following the receipt of information from the Disclosure and Barring Service (DBS). It was noted that the Applicant, in submitting his renewal application on 6 December 2018, had declared the receipt of a caution on 9 June 2018 for Racially/Religiously Aggravated Harassment/Alarm/Distress by Words/Writing on 29 April 2018 (Crime and Disorder Act 1998).

The Panel had due regard to the report of the Director of Central Services, the DBS Certificate produced by the Applicant, the sections of the Tonbridge and Malling Borough Council Hackney Carriage and

Private Hire relating to the Disclosure and Barring Service check, assessment of 'Fit and Proper Person' and the relevance of previous convictions, together with the Institute of Licensing Guidance on determining the suitability of applicants.

The Panel, having considered the facts and listened to the circumstances of the DBS statement, found that the Applicant was a fit and proper person to hold a Private Hire Driver's Licence and, therefore,

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

The meeting ended at 11.33 am
having commenced at 11.06 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 5th April, 2019

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

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 19/30 DECLARATIONS OF INTEREST

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

LA 19/31 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

**LA 19/32 APPLICATION FOR A DUAL HACKNEY CARRIAGE AND PRIVATE
HIRE DRIVER'S LICENCE - CASE NO 06/2019**

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to any individual)

The Panel was asked to consider whether an application for the renewal of a Dual Hackney Carriage and Private Hire Driving Licence should be granted under s.61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 following the receipt of information from the Disclosure and Barring Service (DBS). It was noted that the Applicant, who had submitted a renewal application on 3 December 2018, had declared that no convictions or cautions had been received since the previous licence was granted.

The Applicant had produced a Disclosure and Barring Service (DBS) Certificate which had shown the following convictions:-

Date of conviction – 4 June 2018 for Failing to report accident on 15 February 2018 (Road Traffic Act 1988 S.170(4) – Disposal: Community Order 19/12/19; Driving Licence Endorsed and unpaid work requirement.

Date of conviction – 20 December 2018 for Failing to stop after accident on 15 February 2018 (Road Traffic Act 1988 S.170(4) – Disposal: Community Order 19/12/19; Driving Licence Endorsed with 8 penalty points; Costs £500; unpaid work requirement and Victim Surcharge £85.00.

The Panel had due regard to the report of the Director of Central Services, DBS Certificate Number 001647228281, the sections of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire relating to the Disclosure and Barring Service check, assessment of 'Fit and Proper Person', the relevance of previous convictions and major traffic offences, together with the Institute of Licensing Guidance on determining the suitability of applicants. Additionally the Panel noted that, on 7 March 2018, the Applicant had informed the Licensing Officer of an on-going investigation following an incident on 15 February 2018.

The Panel, having considered the facts that the Applicant had failed to notify the Council of a conviction on 4 June 2018 for failing to report an accident as required under the Council's Hackney Carriage and Private Hire Licensing Policy and had subsequently failed to declare that conviction on the application form

RESOLVED: That the application for the renewal of a Dual Hackney Carriage and Private Hire Driver's Licence be REFUSED.

The meeting ended at 12.55 pm
having commenced at 12.00 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 9th April, 2019

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

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

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

PART 1 - PUBLIC

C 19/21 DECLARATIONS OF INTEREST

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

C 19/22 MINUTES

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

C 19/23 MAYOR'S ANNOUNCEMENTS

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

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

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

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

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

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

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

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

**C 19/25 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL
PROCEDURE RULE NO 5.6**

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

**C 19/26 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL
PROCEDURE RULE NO 5.5**

No questions were received from Members pursuant to Council Procedure Rule No 5.5.

C 19/27 LEADER'S ANNOUNCEMENTS

Investment Income

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

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

Rough sleeper funding

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

Retail shop scheme

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

Local Authorities Parks Improvement Fund

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

Retiring Members

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

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

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

Owen Baldock had served for 35 years since May 1984;

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

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

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

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

Sophie Shrubsole - 7 years since July 2012;

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

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

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

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

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

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

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

C 19/30 AUDIT COMMITTEE ANNUAL REPORT

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

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

C 19/31 LOCAL CODE OF CORPORATE GOVERNANCE

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

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

C 19/32 FUNDING OF UNBUDGETED PROJECTS

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

RESOLVED: That

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

C 19/33 PROGRAMME OF MEETINGS 2019/20

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

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

C 19/34 SEALING OF DOCUMENTS

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

PART 2 - PRIVATE

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

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

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

The meeting ended at 8.52 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 9th April, 2019

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

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

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

PART 1 - PUBLIC

C 19/36 ADMITTANCE OF HONORARY FREEMAN

Consideration was given to a Notice of Motion pursuant to Council Procedure Rule No 5.27 and submitted jointly by Councillors O Baldock, M Coffin, D Cure, N Heslop, R Lancaster, Mrs A Oakley, M Rhodes and A Sullivan that the title of Honorary Freeman be conferred upon Peter Bolt in accordance with Section 249 of the Local Government Act 1972.

It was proposed by Councillor N Heslop, seconded by Councillor Mrs A Oakley and

RESOLVED: That

- (1) in recognition of his eminent services to the Borough of Tonbridge and Malling, Peter Bolt be admitted as an Honorary Freeman of the Borough pursuant to Section 249(5) of the Local Government Act 1972; and
- (2) in pursuance of Section 249(9) of the Local Government Act 1972, expenditure be authorised to enable an address to be presented to the Honorary Freeman of the Borough referred to in

(1) above.

C 19/37 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 9.02 pm,
having commenced at 8.53pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 10th April, 2019

Present: Cllr Mrs F A Kemp (Chairman), Cllr M A C Balfour, Cllr Mrs S M Barker, 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, Cllr Miss S O Shrubsole and Cllr M Taylor

Councillor Mrs T Dean was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors B J Luker (Vice-Chairman), Mrs J A Anderson, R P Betts, M A Coffin and L J O'Toole

PART 1 - PUBLIC

AP2 19/14 DECLARATIONS OF INTEREST

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

AP2 19/15 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 27 February 2019 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 19/16 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 19/17 TM/18/02642/FL - LAND WEST OF STATION ROAD NORTH, WEST MALLING

Use of land to provide station car parking and new access at land west of Station Road North, 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) Additional Condition:

16. Any lighting scheme approved shall not be brought into operation until a scheme for the effective operation and ongoing maintenance of the lighting system has been submitted to and approved by the Local Planning Authority. The details should include, but not necessarily be limited to, information setting out how the system will be managed to ensure the lights are extinguished after the last train. The lighting scheme shall thereafter be operated and maintained in strict accordance with those approved details at all times thereafter.

Reason: In the interests of visual and residential amenity.

(2) Additional Informatives:

8. The applicant is advised that in seeking to discharge conditions 5 and 6 imposed on this permission, they consider the level and scale of any lighting proposed, keep this to a minimum and at low level and that the landscaping and boundary treatment scheme includes provision to enhance the boundaries to create an improved screen to the site.

9. The applicant is advised that any signage installed within the car park is appropriately and sensitively designed and sited to reflect and respect the particular amenities of the locality.

[Speakers: Richard Byatt – West Malling Parish Council and Steven Brooker – agent]

AP2 19/18 TM/18/01013/OA - LAND EAST OF KING HILL, WEST MALLING

Outline Application: Demolition of existing dwelling house (Sportsmans' Bungalow, 124 Teston Road) and outbuildings and erection of up to 120 dwellings including 40% affordable housing, with public open space, a community orchard, landscaping and sustainable drainage system (SuDS) and vehicular access point from King Hill at Land east of King Hill, West Malling.

All matters reserved except for means of access.

During the discussion of this item it was recognised that legal advice was required and the Chairman moved, it was seconded and:

RESOLVED: That as public discussion would disclose exempt information the legal advice be considered in private as per LGA 1972 Sch 12A Paragraph 5 – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Following the receipt of legal advice the Committee discussed the item further in public.

RESOLVED: That outline 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 applicant entering into legal agreements in respect of:

- 40% affordable housing provision
- Off-site open space provision
- Off-site highways improvements including to the bridleway
- Provision of a pedestrian/cycling path linking the A228/Tower view roundabout
- Community facilities and services (KCC Economic Development)
- General medical practice services (NHS CCG)
- Landscape and Ecological Management Plan detailing how the retained woodland area, hedgerows, habitats and new landscape plantings are to be managed in perpetuity to enhance the biodiversity value of the site

It is expected that the Section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 10 September 2019, a report back to the Area 2 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application will be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

(2) Delete Condition 7 related to details of fencing around the King Hill milestone.

(3) Additional Informative:

14. The applicant should be aware of the location of the milestones within the near vicinity of the site and take all reasonable measures to

ensure their protection in liaison with nearby residents and the Parish Council where appropriate to do so.

[Speakers: Richard Byatt – West Malling Parish Council, Steve Rickett – Offham Parish Council; Sean Foley, David Laskow-Pooley; Patrick Bligh and Peter Jones – members of the public and Chris Still – agent]

AP2 19/19 TM/19/00199/FL - BRACKENHILL SERVICE STATION, 82-106 MAIDSTONE ROAD, BOROUGH GREEN

Section 73 application for the removal of condition 6 (opening hours) pursuant to planning permission TM/83/10931/FUL (Redevelopment of Petrol Filling Service Station, including erection of new sales building and canopy) at Brackenhill Service Station, 82 - 106 Maidstone Road, Borough Green.

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

- (1) The use of the service station on a permanent 24 hour basis will lead to unacceptable levels of noise and disturbance to the immediately adjacent residential properties which would cause significant harm to the residential amenities of the occupants. The degree and nature of the harm arising cannot be satisfactorily or acceptably mitigated through the imposition of planning conditions and therefore the use is contrary to the requirements of policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and paragraph 180 of the National Planning Policy Framework 2019.

[Speakers: Duncan Cochrane-Dyett and Claire Cochrane-Dyett – members of the public and Michael Birch - agent]

AP2 19/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 25th April, 2019

Present: Cllr M Parry-Waller (Chairman), Cllr M C Base (Vice-Chairman), 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 Mrs A S Oakley, Cllr R V Roud, Cllr A K Sullivan and Cllr T C Walker

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

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

PART 1 - PUBLIC

AP3 19/7 DECLARATIONS OF INTEREST

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

AP3 19/8 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 31 January 2019 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 19/9 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.

AP3 19/10 TM/19/00135/FL - STABLES AND LAND EAST OF PILGRIMS WAY, WOULDHAM

Proposed single dwelling with partial change of use to residential at Stables and Land East of Pilgrims Way, Wouldham.

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

The proposed development, by virtue of its overall footprint, scale, detailed design and use of materials would fail to preserve or enhance the local character, qualities and distinctiveness of the Kent Downs Area of Outstanding Natural Beauty. As such, the proposed development fails to meet the requirements of the restrictive policy contained at paragraph 172 of the National Planning Policy Framework 2019. Furthermore, by virtue of the same characteristics, the development would appear out of keeping with the prevailing local environment, appearing as an obtrusive form of development when viewed from the surrounding landscape. As such, the development would cause visual harm to the visual amenities of the locality contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and the requirements of paragraph 127 of the National Planning Policy Framework 2018.

[Speakers: Mr E Bell – Wouldham Parish Council and Mr J Drew – agent to the applicant]

AP3 19/11 TM/18/01106/FL - BELVIDERE OAST, 165 WATERINGBURY ROAD, EAST MALLING

Proposed new entrance to No. 165 Wateringbury Road at Belvidere Oast, 165 Wateringbury Road, East Malling.

RESOLVED: That the application be DEFERRED to enable the further opportunity for the applicant to provide technical evidence to support their case and to allow for re-consultation with KCC Highways.

[Speakers: Mr D Thornewell – East Malling and Larkfield Parish Council and Mr G Kenward – Applicant]

AP3 19/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Monday, 20th May, 2019

At the Statutory Annual Meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 20th May, 2019

Present: Her Worship the Mayor (Councillor Mrs P A Bates), the Deputy Mayor (Councillor Mrs J A Anderson), Cllr M C Base, Cllr R P Betts, Cllr T Bishop, Cllr J L Botten, Cllr M D Boughton, Cllr V M C Branson, Cllr G C Bridge, Cllr R I B Cannon, Cllr A E Clark, Cllr M A Coffin, Cllr D J Cooper, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr N Foyle, Cllr S M Hammond, Cllr N J Heslop, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr A P J Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr A Kennedy, Cllr D W King, Cllr K King, Cllr Mrs C B Langridge, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr W E Palmer, Cllr M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr N G Stapleton, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr Miss G E Thomas, Cllr D Thornewell, Cllr F G Tombolis and Cllr C J Williams

Apologies for absence were received from Councillors Mrs S Bell, C Brown, R W Dalton and J R S Lark

PART 1 - PUBLIC

C 19/38 ELECTION OF MAYOR

It was proposed by Councillor N Heslop, seconded by Councillor H Rogers and

RESOLVED: That Councillor Mrs J A Anderson 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 19/39 VOTE OF THANKS TO RETIRING MAYOR

It was proposed by Councillor N Heslop, seconded by Councillor Miss G Thomas and

RESOLVED: That the Council's sincere appreciation be recorded of the excellent manner in which the retiring Mayor, Councillor Mrs P A Bates,

had performed her duties both in the Council Chamber and throughout the Borough during the preceding year.

C 19/40 ELECTION OF DEPUTY MAYOR

It was proposed by Councillor N Heslop, seconded by Councillor Mrs A Oakley and

RESOLVED: That Councillor R V Roud 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 his appointment.

C 19/41 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 9 April 2019 be approved as a correct record and signed by the Mayor.

C 19/42 MINUTES OF SPECIAL MEETING

RESOLVED: That the Minutes of the proceedings of the Special Meeting of the Council held on 9 April 2019 be approved as a correct record and signed by the Mayor.

C 19/43 MAYOR'S ANNOUNCEMENTS

The Mayor reported that she had appointed the Reverend Christopher Miles as her Chaplain and the Civic Service would be held at St Mary's Church, Hadlow on Sunday 30 June. Her nominated charity was CRY (Cardiac Risk in the Young), a charity preventing sudden cardiac deaths in young people through awareness, screening and research and supporting affected families. The Mayor hoped to raise awareness of the problem and support the availability of scans in the Borough. Fund raising events included a possible charity football match and quiz, further details of which would be advised in due course.

C 19/44 RETURNING OFFICER'S CERTIFICATE

The Chief Executive, as Returning Officer, submitted her report listing persons who had been elected as Councillors at the Borough Council Elections held on 2 May 2019.

The Council's thanks were recorded to the Returning Officer and all staff involved for their efficiency during the polling and count for the elections and in maintaining services from the office.

C 19/45 ELECTION OF LEADER

It was proposed by Councillor M Coffin, seconded by Councillor D Keers and

RESOLVED: That Councillor N Heslop be elected as Leader of the Council for the ensuing four years.

C 19/46 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 R Betts – Street Scene and Environment Services
Councillor M Coffin - Finance, Innovation and Property and Deputy Executive Leader
Councillor D Lettington – Strategic Planning and Infrastructure
Councillor P Montague - Housing
Councillor M Rhodes – Community Services
The Economic Regeneration portfolio to be held by the Leader

C 19/47 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 19/48 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 A Keeley
Councillor M Base	Councillor D Keers
Councillor T Bishop	Councillor Mrs A Oakley
Councillor J Botten	Councillor H Rogers
Councillor M Boughton	Councillor Miss J Sergison
Councillor C Brown	Councillor M Taylor
Councillor R Dalton	Councillor Miss G Thomas
Councillor M Davis	Councillor D Thornewell
Councillor M Hood	Councillor F Tombolis

Licensing and Appeals Committee
(15 members)

Councillor Mrs J Anderson	Councillor Mrs R Lettington
Councillor M Base	Councillor H Rogers
Councillor Mrs P Bates	Councillor R Roud
Councillor C Brown	Councillor N Stapleton
Councillor M Coffin	Councillor M Taylor
Councillor D Keers	Councillor F Tombolis
Councillor Mrs F Kemp	Councillor – Vacancy (Green)#
Councillor D King	[# subsequently notified as A Clark]

General Purposes Committee
(14 members)

Councillor Mrs P Bates	Councillor K King
Councillor Mrs S Bell	Councillor B Luker
Councillor M Boughton	Councillor L O'Toole
Councillor M Coffin	Councillor W Palmer
Councillor D Cooper	Councillor N Stapleton
Councillor D Davis	Councillor Mrs M Tatton
Councillor Mrs F Kemp	Councillor – Vacancy (Green)#
	[# subsequently notified as M Hood]

Audit Committee
(9 members)

Councillor T Bishop	Councillor Mrs F Kemp
Councillor V Branson	Councillor J Lark
Councillor N Foyle	Councillor L O'Toole
Councillor P Hickmott	Councillor K Tanner
Councillor S Hudson	

Joint Standards Committee
(13 members + 6 parish members)

Councillor Mrs P Bates	(Parish members to be
Councillor Mrs S Bell	appointed from a pool of
Councillor R Cannon	nominated representatives)
Councillor A Clark #	
Councillor D Davis	
Councillor Mrs T Dean	
Councillor A Kennedy	
Councillor Mrs C Langridge	
Councillor D Lettington	
Councillor Miss J Sergison	
Councillor M Taylor	
Councillor D Thornewell	
Councillor C Williams	
[# subsequently substituted by P Hickmott]	

A Hearing Panel will be appointed from members of the Joint Standards Committee as necessary.

Area 1 Planning Committee

Councillor Mrs J Anderson	Councillor M Hood
Councillor Mrs P Bates	Councillor F Hoskins
Councillor J Botten	Councillor D King
Councillor M Boughton	Councillor K King
Councillor V Branson	Councillor J Lark
Councillor G Bridge	Councillor M Rhodes
Councillor A Clark	Councillor H Rogers
Councillor M Davis	Councillor Miss J Sergison
Councillor N Foyle	Councillor Miss G Thomas
Councillor N Heslop	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 L O'Toole
Councillor R Betts	Councillor W Palmer
Councillor C Brown	Councillor H Rogers
Councillor M Coffin	Councillor Miss J Sergison
Councillor S Hudson	Councillor T Shaw
Councillor Mrs F Kemp	Councillor N Stapleton
Councillor Mrs C Langridge	Councillor K Tanner
Councillor B Luker	Councillor M Taylor
Councillor P Montague	

(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 A Keeley
Councillor Mrs S Bell	Councillor D Keers
Councillor T Bishop	Councillor A Kennedy
Councillor R Cannon	Councillor D Lettington
Councillor D Cooper	Councillor Mrs R Lettington
Councillor R Dalton	Councillor Mrs A Oakley
Councillor D Davis	Councillor R Roud
Councillor Mrs T Dean	Councillor Mrs M Tatton
Councillor S Hammond	Councillor D Thornewell
Councillor P Hickmott	Councillor C Williams

(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 19/49 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

RESOLVED: That appointment of the Chairman and Vice-Chairman of each Committee, Board, Panel and Group for the ensuing municipal year be made as follows:

<u>COMMITTEE</u>	<u>CHAIRMAN</u>	<u>VICE-CHAIRMAN</u>
Overview and Scrutiny Committee	Councillor Miss J Sergison	Councillor Mrs A Oakley Councillor F Tombolis
Licensing and Appeals Committee	Councillor D Keers	Councillor C Brown

General Purposes Committee	Councillor Mrs F Kemp	Councillor L O'Toole
Audit Committee	Councillor V Branson	Councillor Mrs F Kemp
Joint Standards Committee	Councillor Miss J Sergison	Councillor D Davis
Area 1 Planning Committee	Councillor V Branson	Councillor M Boughton
Area 2 Planning Committee	Councillor H Rogers	Councillor B Luker
Area 3 Planning Committee	Councillor D Davis	Councillor M Base
Parish Partnership Panel	Councillor N Heslop	Councillor M Coffin
Tonbridge Forum	Councillor N Heslop	Councillor J Lark
Communities and Housing Advisory Board	Councillor J Botten	Councillor S Hammond
Economic Regeneration Advisory Board	Councillor B Luker	Councillor F Tombolis
Finance, Innovation and Property Advisory Board	Councillor M Base	Councillor Miss G Thomas
Planning and Transportation Advisory Board	Councillor R Dalton	Councillor J Botten
Street Scene and Environment Services Advisory Board	Councillor M Davis	Councillor Mrs S Bell
Electoral Review Working Group	Councillor N Heslop	Councillor A Kennedy
Housing Associations Liaison Panel	Councillor P Montague	
Joint Employee Consultative Committee	Councillor M Coffin	Councillor Mrs J Anderson
Joint Transportation Board	Councillor D Lettington	Vice-chairmanship with KCC

C 19/50 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 R Betts
Councillor M Coffin *
Councillor R Dalton
Councillor N Heslop **
Councillor P Hickmott
Councillor F Hoskins
Councillor S Hudson
Councillor Mrs C Langridge
Councillor D Lettington
Councillor B Luker
Councillor M Rhodes
Councillor M Taylor

Tonbridge Forum

Councillor Mrs J Anderson
Councillor Mrs P Bates
Councillor M Boughton
Councillor V Branson
Councillor G Bridge
Councillor N Heslop **
Councillor D King
Councillor K King
Councillor J Lark *
Councillor M Rhodes
Councillor Miss G Thomas
Councillor F Tombolis
Councillor – Vacancy (Green)#
[# subsequently notified as
A Clark]

Communities and Housing
Advisory Board

Councillor Mrs J Anderson
Councillor Mrs S Bell
Councillor J Botten **
Councillor R Dalton
Councillor N Foyle
Councillor S Hammond *
Councillor F Hoskins
Councillor S Hudson
Councillor K King
Councillor Mrs R Lettington
Councillor L O'Toole

	Councillor Mrs M Tatton Councillor Miss G Thomas Councillor D Thornewell Councillor - Vacancy (TBC)# Councillor - Vacancy (TBC)# [# subsequently notified as P Hickmott and W Palmer]
Economic Regeneration Advisory Board	Councillor G Bridge Councillor R Cannon Councillor Mrs T Dean Councillor N Foyle Councillor F Hoskins Councillor A Keeley Councillor D King Councillor J Lark Councillor B Luker ** Councillor L O'Toole Councillor Miss J Sergison Councillor K Tanner Councillor F Tombolis * Councillor C Williams Councillor – Vacancy (TBC)# Councillor – Vacancy (TBC)# [# subsequently notified as M Hood and W Palmer]
Finance, Innovation and Property Advisory Board	Councillor M Base ** Councillor T Bishop Councillor J Botten Councillor G Bridge Councillor C Brown Councillor R Cannon Councillor M Davis Councillor K King Councillor Mrs R Lettington Councillor H Rogers Councillor K Tanner Councillor Mrs M Tatton Councillor Miss G Thomas * Councillor F Tombolis Councillor C Williams Councillor – Vacancy (TBC)# [# subsequently notified as A Clark]
Planning and Transportation Advisory Board	Councillor T Bishop Councillor J Botten * Councillor M Boughton Councillor V Branson

	Councillor D Cooper Councillor R Dalton ** Councillor D Davis Councillor M Davis Councillor S Hudson Councillor D Keers Councillor D King Councillor Mrs C Langridge Councillor H Rogers Councillor N Stapleton Councillor D Thornewell Councillor - Vacancy (TBC)# [# subsequently notified as M Taylor]
Street Scene and Environment Services Advisory Board	Councillor Mrs S Bell * Councillor G Bridge Councillor D Cooper Councillor D Davis Councillor M Davis ** Councillor S Hammond Councillor F Hoskins Councillor A Keeley Councillor D Keers Councillor A Kennedy Councillor Mrs C Langridge Councillor R Roud Councillor Miss J Sergison Councillor Miss G Thomas Councillor – Vacancy (TBC)# Councillor – Vacancy (TBC)# [# subsequently notified as M Hood and T Shaw]
Electoral Review Working Group	Councillor J Botten Councillor M Boughton Councillor M Coffin Councillor N Heslop ** Councillor A Kennedy * Councillor D Lettington Councillor P Montague Councillor D Thornewell Councillor – Vacancy (TBC)# [# subsequently notified as M Taylor]

Housing Associations Liaison
Panel

Councillor N Foyle
Councillor S Hammond
Councillor A Keeley
Councillor P Montague **
Councillor Mrs M Tatton

Joint Employee Consultative
Committee

Councillor Mrs J Anderson *
Councillor R Betts
Councillor T Bishop
Councillor M Coffin **
Councillor D Keers
Councillor J Lark
Councillor B Luker
Councillor Mrs A Oakley
Councillor – Vacancy (TBC)#
[# subsequently notified as
T Shaw]

Joint Transportation Board

Councillor R Betts
Councillor V Branson
Councillor D Davis
Councillor A Kennedy
Councillor D Lettington **
Councillor N Stapleton
Councillor M Taylor

**Chairmanship with TMBC,
Vice-Chairmanship with
KCC in 2019/20**

** Denotes Chairman

* Denotes Vice-Chairman

C 19/51 APPOINTMENT TO OUTSIDE BODIES

RESOLVED: That appointments to serve on outside bodies for the ensuing municipal year be made as follows:

NAME OF BODY	<u>REPRESENTATIVE(S)</u>
Kent County Playing Fields Association	Councillor M Rhodes
Age UK Sevenoaks and Tonbridge	2 vacancies
Age Concern (Malling)	Councillor B Luker
Citizens Advice in North and West Kent	Councillor M Boughton
Maidstone and District Care Committee for Chest, Heart and Stroke	Councillor S Hammond

West Kent Relate	Councillor Mrs P Bates
Action with Communities in Rural Kent	Councillor R Dalton Councillor Miss J Sergison
Maidstone Mediation Scheme	Councillor Mrs F Kemp
Kent Downs AONB Joint Advisory Committee	Councillor D Lettington
Basted Mill Public Open Space Joint Committee	Councillor R Betts Councillor M Taylor
Snodland Partnership	Councillor Mrs S Bell Councillor A 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 M Rhodes
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 R Dalton (Deputy: Councillor J Botten)
Rochester Airport Consultative Committee	Councillor D Keers
Rochester Airport Delivery Board	Councillor B Luker
Kent and Medway Police and Crime Panel	Councillor M Rhodes
Kent Flood Risk Management Committee	Councillor H Rogers
Tonbridge and Malling Leisure Trust	Councillor T Bishop Councillor M Davis

Upper Medway Internal Drainage Board	Councillor M Boughton Councillor M Davis Councillor H Rogers Mr O Baldock
Lower Medway Internal Drainage Board	Councillor D Davis
Haysden Country Park and Leybourne Lakes Country Park User Panels (3 year appointments)	To be considered by Advisory Board
West Kent Improvement Board Members' Forum	Councillor P Montague
Dry Hill Road Disabled Persons Trust	Councillor V Branson

C 19/52 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 19/53 PROGRAMME OF MEETINGS 2019/20

The programme of Council, Cabinet, Committee and Advisory Board and Panel meetings for the ensuing year and to May 2021 was presented for approval.

RESOLVED: That the programme of meetings be approved.

C 19/54 TEMPORARY APPOINTMENT TO HILDENBOROUGH PARISH COUNCIL

The report of the Director of Central Services and Deputy Chief Executive explained the circumstances leading to the need to make temporary appointments to Hildenborough Parish Council to enable it to

function lawfully until the requisite number of vacancies were filled. Consideration was also given to a process for making temporary Member appointments to parish and town councils which might become inquorate in future.

RESOLVED: That

- (1) the appointment of Councillors N Foyle and M Rhodes as temporary members of Hildenborough Parish Council be approved until such time as an election or co-option can be held and those elected or co-opted have taken office;
- (2) the Monitoring Officer be authorised to make the necessary order to give effect to the temporary appointments; and
- (3) the Council delegates to the Monitoring Officer the authority to make temporary appointments of Members to Town and Parish Councils under Section 91 of the Local Government Act 1972, in accordance with the process set out in Annex 1 to the report, and to report any such appointments to the next meeting of the Council.

C 19/55 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 8.40 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 29th May, 2019

Present: Cllr H S Rogers (Chairman), Cllr B J Luker (Vice-Chairman), Cllr Mrs J A Anderson, Cllr R P Betts, Cllr C Brown, Cllr M A Coffin, Cllr S A Hudson, Cllr Mrs F A Kemp, Cllr Mrs C B Langridge, Cllr P J Montague, Cllr L J O'Toole, Cllr W E Palmer, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr N G Stapleton, Cllr K B Tanner and Cllr M Taylor

Councillors N J Heslop, R V Roud, Mrs M Tatton and D Thornewell were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP2 19/21 DECLARATIONS OF INTEREST

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

AP2 19/22 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 10 April 2019 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 19/23 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 19/24 (A) TM/18/03030/OAEA (B) TM/18/03033/OAEA (C)
TM/18/03034/OAEA - DEVELOPMENT SITE BETWEEN 1 TOWER
VIEW AND 35 KINGS HILL AVENUE, KINGS HILL**

Development site between 1 Tower View and 35 Kings Hill Avenue, Kings Hill:

- (A) Outline Application: Redevelopment to provide up to 70 Class C3 residential units, together with landscaping, open space and other associated works. All matters reserved for future approval except for access (Site 5.1)**

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

- (1) The development of the site for residential purposes and associated infrastructure, would result in a loss of designated employment land, for which there is no justification particularly in light of the identified need for such land across the Borough. The proposed development fails to safeguard the site for employment purposes and is therefore contrary to policy CP21 of the Tonbridge and Malling Borough Core Strategy 2007 and policy E1 of the Development Land Allocations DPD 2008 and paragraphs 80, 120 and 121 of the National Planning Policy Framework (2019).
 - (2) The introduction of new residential development in this location would be completely at odds with the prevailing and established built environment both in terms of prevalent land uses and visual appearance. The development would, therefore, appear as an entirely incongruous feature within the immediate locality which would be harmful to the amenities of the locality and demonstrably would not respect the site and its surroundings, protect, conserve or enhance local distinctiveness, be sympathetic to local character and history, or take any opportunities for improving the character and quality of the area and the way it functions. The development proposed is therefore contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD (2010) and paragraphs 127(c), 130, 180 and 182 of the National Planning Policy Framework (2019).
- (B) Outline Application: Redevelopment to provide up to 70 Class C3 residential units, together with landscaping, open space and other associated works. All matters reserved for future approval except for access (Site 5.6)**

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

- (1) The development of the site for residential purposes and associated infrastructure, would result in a loss of designated employment land, for which there is no justification particularly in light of the identified need for such land across the Borough. The proposed development fails to safeguard the site for employment purposes and is therefore contrary to policy CP21 of the Tonbridge and Malling Borough Core Strategy 2007 and policy E1 of the Development Land Allocations DPD 2008 and paragraphs 80, 120 and 121 of the National Planning Policy Framework (2019).
 - (2) The introduction of new residential development in this location would be completely at odds with the prevailing and established built environment both in terms of prevalent land uses and visual appearance. The development would, therefore, appear as an entirely incongruous feature within the immediate locality which would be harmful to the amenities of the locality and demonstrably would not respect the site and its surroundings, protect, conserve or enhance local distinctiveness, be sympathetic to local character and history, or take any opportunities for improving the character and quality of the area and the way it functions. The development proposed is therefore contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD (2010) and paragraphs 127(c), 130, 180 and 182 of the National Planning Policy Framework (2019).
- (A) Outline Application: Redevelopment to provide up to 210 Class C3 residential units, together with landscaping, open space and other associated works. All matters reserved for future approval except for access (site 5.2-5.3)**

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

- (1) The development of the site for residential purposes and associated infrastructure, would result in a loss of designated employment land, for which there is no justification particularly in light of the identified need for such land across the Borough. The proposed development fails to safeguard the site for employment purposes and is therefore contrary to policy CP21 of the Tonbridge and Malling Borough Core Strategy 2007 and policy E1 of the Development Land Allocations DPD 2008 and paragraphs 80, 120 and 121 of the National Planning Policy Framework (2019).
- (2) The introduction of new residential development in this location would be completely at odds with the prevailing and established

built environment both in terms of prevalent land uses and visual appearance. The development would, therefore, appear as an entirely incongruous feature within the immediate locality which would be harmful to the amenities of the locality and demonstrably would not respect the site and its surroundings, protect, conserve or enhance local distinctiveness, be sympathetic to local character and history, or take any opportunities for improving the character and quality of the area and the way it functions. The development proposed is therefore contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD (2010) and paragraphs 127(c), 130, 180 and 182 of the National Planning Policy Framework (2019).

[Speakers: Caroline Bridger – Kings Hill Parish Council and Andrew Blevins – applicant]

AP2 19/25 TM/18/02093/OA - FIELD AT CORNER OF LAVENDERS ROAD AND SWAN STREET, WEST MALLING

Outline Application: Development comprising up to 80 residential dwellings (including 40% affordable housing), open space, drainage, access and associated works, with all matters reserved except for access which is to be considered in detail at this stage - field at corner of Lavenders Road and Swan Street, West Malling.

RESOLVED: That the Secretary of State (through his Inspector) and the Appellant be advised that had the Local Planning Authority been in a position to determine the application at this time outline planning permission would have been REFUSED on the basis of, and having regard to, the following:

- (1) The Local Planning Authority considers that the Heritage Statement submitted in support of the proposed development continues to be inadequate in content and no recognised methodology has been adopted that would be demonstrably compliant with national policy and legislation meaning that it fails to meet the requirements set out at within the National Planning Policy Framework (2019) and the Historic England Good Practice Advice in Planning Note 3: Settings and Views' (GPA3).
- (2) The proposed residential development is of a scale and location that would give rise to a direct impact on the setting of designated heritage assets including listed buildings and the West Malling Conservation Area. Notwithstanding [1] above, the proposed development by virtue of the amount and type of development proposed, the location of the site and the resultant proximity and relationship to St Marys Abbey, other listed buildings within the vicinity and the West Malling Conservation Area, would cause less

than substantial harm to these designated heritage assets which are not outweighed by any public benefits that would be derived from the proposal in a manner required by the policies contained within the National Planning Policy Framework (2019). For these reasons, the proposed development also fails to meet the statutory duty provided for by the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

- (3) The proposed development by virtue of the overall number of units proposed, the resultant density, form, pattern and character that would subsequently arise would be entirely at odds with the prevailing character of the environment, which forms a key entrance to the historic town of West Malling, harmful to visual amenity and demonstrably would not respect the site and its surroundings, protect, conserve or enhance local distinctiveness, be sympathetic to local character and history, or take any opportunities for improving the character and quality of the area and the way it functions. The development proposed is therefore contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD (2010) and paragraphs 127(c) and 130 of the National Planning Policy Framework (2019).

AP2 19/26 TM/19/00001/TPO - FIELD AT CORNER OF LAVENDERS ROAD AND SWAN STREET, WEST MALLING

The report of the Director of Planning, Housing and Environmental Health advised that an objection had been made in response to a recent Tree Preservation Order (TPO) consultation. It was therefore necessary for the Local Planning Authority to consider any objections when deciding whether the Order should be confirmed.

After careful consideration of the determining issues, Members considered it necessary and appropriate in the circumstances to seek to protect the trees in question through confirmation of a TPO, subject to further confirmation of trees species cited in Groups 1 and 2 (set out in Annex 1 to the report).

RESOLVED: That the Tree Preservation Order as set out in Annex 1 to the report be REVIEWED and CONFIRMED following modification, subject to further confirmation of the tree species cited in Groups 1 and 2.

MATTERS FOR INFORMATION

AP2 19/27 SUMMARY OF PLANNING APPEALS

At the request of the Chairman, and for the benefit of newly elected Members, a brief verbal summary of the planning appeal process was provided. It was reported and noted that the recent number of successful

appeals demonstrated that the Borough Council had robust and sound procedures in place.

AP2 19/28 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.05 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 30th May, 2019

Present: Cllr V M C Branson (Chairman), Cllr M D Boughton (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr G C Bridge, Cllr A E Clark, Cllr M O Davis, Cllr N Foyle, Cllr N J Heslop, Cllr M A J Hood, Cllr F A Hoskins, Cllr D W King, Cllr K King, Cllr J R S Lark, Cllr M R Rhodes, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr Miss G E Thomas and Cllr F G Tombolis

Councillor D Lettington was also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor J L Botten

PART 1 - PUBLIC

AP1 19/16 DECLARATIONS OF INTEREST

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

AP1 19/17 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 21 February 2019 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)

AP1 19/18 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 19/19 (A) TM/18/02206/FL AND (B) TM/19/00614/RD - DEVELOPMENT SITE, SOUTH PART OF WEST KENT COLLEGE, BROOK STREET, TONBRIDGE

- (A) Demolition of existing buildings and development of 53 dwellings comprising: 10 x 1 bed and 23 x 2 bed apartments in a part 3/4 storey building and 12 x 3 bed and 8 x 4 bed houses in part 2.5/3 storey buildings along with associated vehicular and pedestrian access, car parking and landscaping; and
- (B) Details of condition 14 (travel plan) pursuant to planning permission TM/07/01286/FL (Proposed college master plan project consisting of the erection of new educational buildings, improved access arrangements and associated car parking, landscaping and ancillary development) at Development Site, South part of West Kent College, Brook Street, Tonbridge.

RESOLVED: That

- (1) Application (A) TM/18/02206/FL be REFUSED for the following reason:

1. The proposed development, by virtue of the siting, scale, massing and height of Plots 3 – 8 combined with The Spinney, would result in an intrusive and dominant form of development when viewed from the neighbouring property, which would cause harm to the outlook and 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.

- (2) Determination of Application (B) TM/19/00614/RD be DEFERRED.

[Speakers in respect of Application TM/18/02206/FL: Mr J van Staden, Mr N Rawlings, Mr T Plaine – members of the public; Ms D Huntingford on behalf of Tonbridge Civic Society; and Ms T Puttock – Applicant. Speakers in respect of Application TM/19/00614/RD: Mr S Moon – Agent]

AP1 19/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.02 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Wednesday, 5th June, 2019

Present: Cllr N J Heslop (Chairman), Cllr R P Betts, Cllr M A Coffin, Cllr D Lettington, Cllr P J Montague and Cllr M R Rhodes

Councillors Mrs J A Anderson, M C Base, Mrs P A Bates, T Bishop, G C Bridge, C Brown, A E Clark, M A J Hood, F A Hoskins, Mrs R F Lettington, Mrs A S Oakley, W E Palmer, Miss J L Sergison, K B Tanner, Mrs M Tatton and Miss G E Thomas were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 19/39 DECLARATIONS OF INTEREST

Councillor Bishop declared an Other Significant Interest in the item on Larkfield Leisure Centre Capital Schemes on the grounds that he was one of the Council's appointees to the Tonbridge and Malling Leisure Trust and withdrew from the meeting during its consideration.

CB 19/40 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 19 March 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 19/41 LARKFIELD LEISURE CENTRE CAPITAL SCHEMES 2019/20 - MECHANICAL, ELECTRICAL AND ROOFING WORK

(Item FIP 19/15 referred from Finance, Innovation and Property Advisory Board minutes of 5 June 2019)

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 5 June 2019 regarding the merits and cost implications of undertaking a combined package of works to ventilation, boilers, leisure pool hall roof and space frame at Larkfield Leisure Centre.

RECOMMENDED: That based on independent advice and detailed financial appraisal:

- (1) the proposed scheme outlined in the report to undertake a package of works to ventilation, boilers, leisure pool hall roof and space frame at Larkfield Leisure Centre be approved;

- (2) the increased cost of £867,000 be met from the Leisure Trust reserve and the Revenue Reserve for Capital Schemes and the relevant revenue and capital budgets be amended accordingly;
- (3) the works be progressed to commence early October 2019 for a period of 36 weeks;
- (4) liaison continue with the Tonbridge and Malling Leisure Trust to minimise the impact of the works on customers and the loss of income claim to the Council; and
- (5) officers be requested to undertake a risk assessment with respect to Kier and report back to the next meeting of the Advisory Board on 17 July 2019.

***Referred to Council**

**DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE
CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE FUNCTIONS)**

CB 19/42 REVENUE AND CAPITAL OUTTURN 2018/19

Decision Notice D190041CAB

CB 19/43 LEYBOURNE OPEN SPACE - TRAVELLER INCURSIONS

Decision Notice D190042CAB

MATTERS SUBMITTED FOR INFORMATION

CB 19/44 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 28 May 2019

RESOLVED: That the report be received and noted.

CB 19/45 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.16 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Community Services

**Decision No:
D190034MEM**

Date: 28 May 2019

Decision(s) and Reason(s)

Tonbridge Racecourse Sportsground - Management Plan 2019-2023

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

The report brought forward comments received as part of the public consultation exercise on the draft Tonbridge Racecourse Sportsground Management Plan, together with proposed amendments arising from them, and recommended final approval of the Plan.

It was noted that the majority of comments focused on formal sports and liaison had been undertaken with Tonbridge Sports Association regarding the recommendations set out in Annex 3 to the report. In response to a number of questions raised by Members, it was advised that cycling provision and the level of dog waste/litter bins on the site would be reviewed in accordance with the approved Plan.

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

The proposed amendments be made to the draft Management Plan, as shown at Annex 3 to the report, and the Management Plan for Tonbridge Racecourse Sportsground 2019-2023 be approved.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 28 May 2019.

Signed Cabinet Member for
Community Services

M Rhodes

Signed Leader:

N Heslop

Signed Chief Executive: J Beilby

Date of publication: 31 May 2019

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:
D190035MEM**

Date: 28 May 2019

Decision(s) and Reason(s)

Community Safety Partnership Plan 2019-20

(Report of Director of Central Services)

The report presented the Tonbridge and Malling Community Safety Partnership (CSP) Plan 2019/20 and gave details of initiatives carried out during the previous year. It also identified the five priorities for which action plans had been developed with partners for progression in the forthcoming year.

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

The Tonbridge and Malling Community Safety Partnership Plan 2019/20, as set out at Annex 1 to the report, be supported and endorsed.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 28 May 2019.

Signed Cabinet Member for Community Services M Rhodes

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 31 May 2019

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:
D190036MEM**

Date: 04 June 2019

Decision(s) and Reason(s)

Innovation Park Medway Local Development Order - Request to Consult

(Report of Chief Executive)

The report sought permission to consult on the draft Innovation Park Medway Local Development Order (LDO), which set out principles for development to ultimately allow developers and businesses to bring forward high quality development in the high-value technology, engineering, manufacturing and knowledge-intensive sectors.

In addition, the development had been identified as requiring an Environmental Impact Assessment. In order to satisfy this requirement an Environmental Statement would be finalised to support the LDO.

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

- (1) the content of the report be noted;
- (2) delegated authority be granted to the Director of Planning, Housing and Environmental Health and the Director of Central Services, in consultation with the Leader and the Cabinet Member for Strategic Planning and Infrastructure, to:
 - finalise and approve the Environmental Statement prior to public consultation in the interest of satisfying Environmental Impact Assessment requirements; and
 - approve any necessary minor amendments to the draft Local Development Order prior to the public consultation for the purposes of presentation and clarity.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 4 June 2019.

Signed Cabinet Member for
Strategic Planning and D Lettington
Infrastructure

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 June 2019

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:
D190037MEM

Date: 04 June 2019

Decision(s) and Reason(s)

Planning Enforcement Direct Action Protocol

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

The report sought approval for the adoption of a Planning Enforcement Direct Action Protocol (attached as Annex 1). This was intended to provide a clear and transparent framework in respect of the specific circumstances where it might be appropriate to take direct action to remedy a breach of planning control. In addition, the Protocol set out how decisions would be taken to exercise such powers.

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

The Planning Enforcement Direct Action Protocol (attached as Annex 1 to the report) be adopted.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 4 June 2019.

Signed Cabinet Member for
Strategic Planning and
Infrastructure

D Lettington

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

7 June 2019

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:
D190038MEM**

Date: 04 June 2019

Decision(s) and Reason(s)

Transportation Update

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

The report provided brief updates on the South Eastern rail franchise, Gatwick airspace modernisation and Transport for the South East (TfSE) consultation. The latter set out draft proposals for a statutory sub-national transport body (STB) for the South East and outlined the statutory powers and responsibilities TfSE were seeking to help deliver transport outcomes across the region.

Concern was expressed at the amount of representation of district and borough councils across Kent at TfSE board level. However, this was currently under review and it was hoped that stronger representation at a regional tier would secure additional funding for transport and highways projects that would benefit residents in the borough. The importance of effective engagement with lower tier authorities would be emphasised in the Borough Council's response to the consultation.

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

- (1) the content of the report be noted;
- (2) the establishment of a statutory sub-national transport body (STB) for the South East, as set out in the draft proposal of TfSE, be supported, subject to the concerns raised in paragraph 1.3.5 of the report (summarised above) being submitted as part of the Borough Council's response to the consultation; and
- (3) the proposed response to TfSE be finalised in consultation with the Cabinet Member for Strategic Planning and Infrastructure and submitted by the consultation deadline of 31 July 2019.

Reasons: As set out in the report submitted to the Planning and Transport Advisory Board of 4 June 2019.

Signed Cabinet Member for
Strategic Planning and
Infrastructure

David Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 June 2019

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:
D190039MEM**

Date: 05 June 2019

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 together with approved variations, virements and issues identified via revenue budget monitoring for both the year ended 31 March 2019 and the first month of 2019/20, and for 2018/19 details of the Kent-wide 100% Business Rates Retention pilot. The information was aggregated to provide a provisional outturn position for 2018/19 and an indicative outturn position for 2019/20. The former showed a contribution to the General Revenue Reserve £35,144 less than the revised estimate after transferring an additional £400,000 and £250,000 respectively to the Tonbridge and Malling Leisure Trust and Building Repairs earmarked reserves in recognition of recent and future cost pressures.

An update was also given on capital expenditure and variations agreed in relation to the capital plan for the year ended March 2019 and the month of April 2019.

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 5 June 2019.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 June 2019

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:
D190040MEM**

Date: 05 June 2019

Decision(s) and Reason(s)

Council Tax Reduction Scheme

(Report of Director of Finance and Transformation)

The report gave an update on the progress of the review of the scheme for Council Tax Reduction which had existed in its current form since April 2017. Details were given of the key issues raised and it was noted that options for the new scheme would be presented to the next meeting of the Advisory Board prior to public consultation.

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

- (1) the progress made and key issues being addressed in respect of the review of the Council Tax Reduction Scheme for 2020/21 be noted;
- (2) a report be submitted to the next meeting of the Advisory Board on 17 July detailing proposals and options for consideration and consultation; and
- (3) subject to the content of the report in July, the proposal to go out to public consultation during summer 2019 be endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 5 June 2019.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 June 2019

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: D190041CAB

Date: 05 June 2019

Decision(s) and Reason(s)

Revenue and Capital Outturn 2018/19

(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 2019 together with subsequent adjustments to the Accounts in the light of the outturn position.

It was noted that the contribution to the General Revenue Reserve was £35,144 less than the revised estimate figure, the principal reasons for which were explained. These included transfer of an additional £400,000 to the Tonbridge and Malling Leisure Trust Reserve and £250,000 to the Building Repairs Reserve, offset by a number of factors including better than budgeted performance under the Business Rates Retention Scheme; overall housing benefit payments; management savings on the salary bill; and performance in the major operational 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 £100,000 for the year.

The report also contained an annual Treasury Management and Investment Strategy review for 2018/19 as required by the adopted CIPFA Code of Practice.

The Cabinet resolved that:

- (1) the Revenue and Capital Outturn for the year 2018/19 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 2018/19, 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 the Cabinet Member for Finance, Innovation and Property.

Signed Chief Executive: J Beilby

Date of publication: 7 June 2019

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: D190042CAB
Date: 05 June 2019

Decision(s) and Reason(s)

Leybourne Open Space - Traveller Incursions

(Item CH 19/19 referred from Communities and Housing Advisory Board minutes of 28 May 2019)

Consideration of recommendations to the Cabinet from the Communities and Housing Advisory Board of 28 May 2019.

The Cabinet resolved that:

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

The proposal brought forward by Leybourne Parish Council to protect the area of open space identified in the report from Travellers be accepted and £9,750 be allocated from the General Revenue Reserve to fund the balance of the cost.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 28 May 2019.

Signed Chief Executive: J Beilby

Date of publication: 7 June 2019

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

AREA 3 PLANNING COMMITTEE

Thursday, 6th June, 2019

Present: Cllr D A S Davis (Chairman), Cllr T Bishop, Cllr R I B Cannon, Cllr D J Cooper, Cllr Mrs T Dean, Cllr D Keers, Cllr A Kennedy, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr Mrs M Tatton, Cllr D Thornewell and Cllr C J Williams

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

Apologies for absence were received from Councillors M C Base, Mrs S Bell, R W Dalton, S M Hammond, P M Hickmott and A P J Keeley

PART 1 - PUBLIC

AP3 19/13 DECLARATIONS OF INTEREST

For reasons of transparency, Councillor Mrs Tatton advised that she was the parish clerk and Proper Officer for Teston Parish Council who were consultees on the Amber Lane, Kings Hill and Heath Farm, East Malling applications. However, as she had not been involved in any decision making regarding the parish council's response this did not represent either a Disclosable Pecuniary or Other Significant Interest and there was no requirement for her to withdraw from the meeting and not participate in the debate.

AP3 19/14 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 25 April 2019 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 19/15 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 19/16 TM/18/03031/OAEA - DEVELOPMENT SITE NORTH OF 51 AMBER LANE, KINGS HILL

Outline Application: Redevelopment to provide up to 85 Class C3 residential units, together with landscaping, open space and other associated works at development site north of 51 Amber Lane, Kings Hill.

All matters reserved for future approval except for access (Site 5.4)

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

- (1) The proposed development, by virtue of its location, siting, proposed means of access and intensification of residential activities would result in the partial loss (insofar as it relates to the means of access) and deterioration of ancient woodland, which is an irreplaceable habitat. There are no demonstrated reasons which are wholly exceptional to allow for such loss and deterioration to take place and no suitable compensation strategy. Furthermore, there are no acceptable measures proposed that would mitigate the harm that would arise. As such, the development is contrary to the requirements of paragraph 170(c) of the National Planning Policy Framework (2019) and the associated standing advice of Natural England and the Forestry Commission.
- (2) The proposed development by virtue of its location and siting and the lack of any cohesive or responsive relationship with the nearby residential settlement would be entirely at odds with the prevailing character of the immediate and surrounding environment. As such, the development would be harmful to visual amenity and demonstrably would not respect the site and its surroundings, protect, conserve or enhance local distinctiveness, be sympathetic to local character and history, or take any opportunities for improving the character and quality of the area and the way it functions. The development proposed is therefore contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD (2010) and paragraphs 127(c) and 130 of the National Planning Policy Framework (2019).
- (1) The proposed development by virtue of the form, scale and design of the vehicular and emergency accesses would

significantly erode the prevailing character of the site and its immediate surroundings and introduce urbanising features which would cause visual harm to the appearance of the site and locality. The development proposed is therefore contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD (2010) and paragraphs 127(c) and 130 of the National Planning Policy Framework (2019).

- (4) The proposed development by virtue of its overall quantum, size and proposed means of access would cause increased levels of vehicular activity along Amber Lane giving rise to noise and disturbance which would be harmful to the residential amenities of the occupants of properties along Amber Lane. As such, the development is contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD (2010) and paragraphs 127(c) and 130 of the National Planning Policy Framework (2019).
- (5) The Local Planning Authority is not satisfied that, on the evidence submitted, the proposed access *strategy* to serve the development can be delivered in a safe and acceptable manner. As such, the development is considered to be contrary to the requirements of policy SQ8 of the Managing Development and the Environment DPD (2010) and paragraph 110 of the National Planning Policy Framework (2019).

[Speakers: Caroline Bridger – Kings Hill Parish Council; Peter Coulling – Teston Parish Council; Naomi Schilling, Richard Dowling, Mr Fisher, Derek Edmonds, Katie Dodsworth and David Rush – members of the public]

AP3 19/17 TM/18/03032/OAEA - HEATH FARM, WATERINGBURY ROAD, EAST MALLING

Outline Application: Redevelopment to provide up to 40 Class C3 residential units, together with landscaping, open space and other associated works at Heath Farm Wateringbury Road, East Malling.

All matters reserved for future approval except for access (site 5.5)

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

- (1) The proposed development by virtue of the overall number of units proposed, the resultant density, form, pattern and character that would subsequently arise would be entirely at odds with the prevailing character of the environment, which is rural in character

and appearance. As such, the development would be harmful to visual amenity and demonstrably would not respect the site and its surroundings, protect, conserve or enhance local distinctiveness, be sympathetic to local character and history, or take any opportunities for improving the character and quality of the area and the way it functions. The development proposed is therefore contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD (2010) and paragraphs 127(c) and 130 of the National Planning Policy Framework (2019).

- (2) The proposed development by virtue of its specific nature and the locational characteristics of the site does not contribute to the objectives of sustainable development. The site would be separated from local amenities, facilities and public transport routes and the proposed development makes no provision to provide acceptable or safe connections between the site and such facilities in a way that would offer future residents a genuine choice of sustainable transport options. The development therefore fails to meet the objectives of sustainable development as set out by paragraph 8 and the requirements of paragraph 102 and 103 of the National Planning Policy Framework (2019).

[Speakers: Peter Coulling – Teston Parish Council]

PART 2 - PRIVATE

AP3 19/18 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 7th June, 2019

Present: Cllr D Keers (Chairman), Cllr R V Roud and Cllr N G Stapleton

Together with representatives of the Licensing Authority; Mr J Rankin (Counsel to the Applicant); Ms R Thomas (Solicitor to the Applicant); Mr M Weston, SBE Live Ltd (Applicant); Mr C Barratt, SBE Live Ltd; Mr H Feigen and Mr B Whur, Proud Events; Mr T Smith, Right Guard Security; Mr S Leeland, Noise Management Consultant, on behalf of Mr S Joynes; Mr G McCaffrey and Mr A Biggs, SEP Events; Ms E Shaw, Ms R Ballard, Mr C Eade and Ms L Whitehead of Kent Police, Mr P Thomason, Mr C Kennard, Ms M Henbest and Ms L Hibbs of Environmental Health, Tonbridge and Malling Borough Council and Mr N Chapman and Mr C Alden of Environmental Health, Sevenoaks District Council (Responsible Authorities); Councillor R Betts (on behalf of Councillor M Coffin), Councillor M Taylor (on behalf of Councillor W Palmer), Ms M Gray (Solicitor to Wrotham Parish Council), County Councillor H Rayner on behalf of Wrotham Parish Council, Mrs P Falconer (Vice-Chairman of Stansted Parish Council), Mr G Haywood, Mr D Sefer, Mr J Postlethwaite, Ms S Goodworth, Mr S Broszek, Mr A Ayiotis and Ms L Ayiotis (interested parties).

PART 1 - PUBLIC

LAP 19/1 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 PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

LAP 19/2 APPLICATION FOR A NEW PREMISES LICENCE FOR SOUTHBEATS FESTIVAL, WINGS OF THE MORNING FIELD, WROTHAM HILL, WROTHAM

The Panel gave consideration to an application for a Premises Licence made by Mr Max Weston, Director of SBE Live Ltd, under Section 17 of the Licensing Act 2003 in respect of premises at Wings of the Morning Field, Wrotham Hill, Wrotham, Kent. The application related to the provision of Films, Live Music, Recorded Music, Dance, Late Night Refreshment and Supply of Alcohol.

The Panel gave careful consideration to the written report of the Director of Central Services and Deputy Chief Executive, the application set out at Annex 1, the site plans set out at Annexes 2 to 5, the Noise Management Plan at Annex 6, the Traffic Management Plan at Annex 7, and the maps of Conservation Areas and Ancient Woodland, District Council and Parish Council areas at Annexes 8, 9 and 10 together with the written representations received during the statutory consultation period as set out at Annexes 11 and 12 to the report. It also considered the oral representations made to it by the applicant and other interested parties during the Hearing.

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. Additionally, the Panel had particular regard to the provisions of Chapter 9 of the amended guidance issued under Section 182 of the 2003 Act and the Council's Statement of Licensing Policy.

The Panel heard no objections to the provision of late night refreshment.

Both Sevenoaks District Council Environmental Health and Tonbridge and Malling Borough Council Environmental Protection made representations concerning noise, as did a number of other people who made representations. The Environmental Health bodies were both satisfied that, through the imposition of conditions, their concerns would be addressed, were it to be a "one-off" event. The Panel was satisfied that the licensing objective of the prevention of public nuisance would be promoted through the imposition of conditions, including limiting the licence to the duration of one year, and for a single event.

Representations were also made concerning public nuisance from litter. The Panel was satisfied that the objective of the prevention of public nuisance could be promoted through the imposition of conditions concerning waste management.

Kent Police made representations concerning each of the licensing objectives. However, they were satisfied that their concerns would be addressed by the imposition of conditions, which the Panel decided to impose in order to promote the licensing objectives.

A number of representations were made concerning crime and disorder and the use of drugs on site. The Panel was satisfied that the licensing objective of the prevention of crime and disorder would be promoted through the imposition of conditions regarding security staff, event management, conditions of entry and confiscation provisions.

A number of representations were raised concerning traffic volumes, local roads, the suitability of the intended parking areas and risks to

public safety around the possibility of collisions with members of the public. The Panel considered that the imposition of conditions, including requirements for an Event Management and Safety Plan, which would include robust traffic management measures. The Panel was satisfied that the licensing objective of public safety would be promoted through the imposition of conditions. Other concerns were also raised, such as planning matters and environmental matters, which did not fall within the remit of the Panel.

In all, 98 written representations were received, and a number of people spoke to those representations at the Hearing. The Panel gave all relevant representations, written and oral, equal consideration in coming to its decision and the Panel was satisfied that the licensing objectives could be satisfied with the imposition of the mandatory conditions, conditions consistent with the operating schedule, those conditions agreed by the applicant with the Responsible Authorities (Kent Police and Tonbridge and Malling Borough Council and Sevenoaks District Council Environmental Protection Officers) and a number of additional conditions.

RESOLVED: That the Premises Licence be granted for only one event, to take place this year, starting on Friday 20 September 2019 and ending on Monday 23 September 2019, 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 stated conditions detailed below:-

Section 7 of 21	Provision of Films - (indoors and outdoors) Friday from 15:00 hours until 02:00 hours the following morning Saturday from 11:00 hours until 02:00 hours the following morning Sunday from 11:00 hours until 01:00 hours the following morning
Section 10 of 21	Provision of Live Music - (indoors and outdoors) <i>Friday - No live music from the Main Arena or the 2 Big tops</i> Saturday - Main stage - from 11:00 hours until 23:00 hours Saturday – Big tops - from 11:00 hours until 00:00 hours Sunday - Main stage - from 11:00 hours until 22:30 hours Sunday – Big tops - from 11:00 hours until 23:00 hours
Section 11 of 21	Provision of Recorded Music - (indoors and outdoors) <i>Friday - No recorded music from the Main Arena or the 2 Big tops</i> Friday – Campsite - from 11:00 hours until 02:00 hours the following morning

	<p>Saturday - Main stage - from 11:00 hours until 23:00 hours</p> <p>Saturday – Big tops - from 11:00 hours until 00:00 hours</p> <p>Saturday – Camp site - from 11:00 hours until 02:00 hours the following morning</p> <p>Sunday - Main stage - from 11:00 hours until 22:30 hours</p> <p>Sunday – Big tops - from 11:00 hours until 23:00 hours</p> <p>Sunday - Camp site - from 11:00 hours until 01:00 hours the following morning</p>
Section 12 of 21	<p>Provision of Dance - (indoors and outdoors)</p> <p>Friday from 15:00 hours until 00:00 hours</p> <p>Saturday from 11:00 hours until 00:00 hours</p> <p>Sunday from 11:00 hours until 01:00 hours the following morning</p>
Section 14 of 21	<p>Provision of late night refreshment - (indoors and outdoors)</p> <p>Friday to Saturday from 23:00 hours until 03:00 hours the following morning</p> <p>Sunday from 23:00 hours until 02:00 hours the following morning</p>
Section 15 of 21	<p>Supply of alcohol (for consumption both on and off the premises)</p> <p>Friday from 15:00 hours until 02:00 hours the following morning</p> <p>Saturday from 11:00 hours until 02:00 hours the following morning</p> <p>Sunday from 11:00 hours until 01:00 hours the following morning</p>

Conditions:

a) General – all four licensing objectives

1. The premises licence will permit only one event of any size to be held under it within a calendar year.
2. The licence-holder, in conjunction with their health and safety advisor and specialist suppliers will prepare and distribute an Event Management & Safety Plan. The plan will be drafted in consultation with the responsible authorities. The Plan will provide details of the premises, hours of operation, control of access and the relevant operating policies and processes, management plans, and emergency management plans and major incidents plans and a first substantive draft provided to the Safety Advisory Group no later than 6 months in advance of the event each year.

3. The Premises Licence Holder shall comply with the provisions of the Event Management Plan at all times during the event to which it relates.
4. The licence-holder will undertake appropriate risk assessments for delivery and management of the premises and event and include these and associated mitigations into the Event Management & Safety Plan and associated documentation.
5. The licence-holder will employ the services of experienced and competent advisors and suppliers to assist them in the planning, delivery and management of the event. This will include but not limited to: Event management, site management and production; health and safety; security and stewarding; medical; welfare; traffic management; noise management; waste management.
6. The licence-holder shall notify the Safety Advisory Group and Police directly of the proposed dates of the event no less than 8 months prior to the first proposed date within that calendar year.
7. The licence-holder shall engage fully with the Tonbridge and Malling Safety Advisory Group and attend their meetings when the event is on the agenda, and relevant sub groups, and shall incorporate any reasonable requirements and requests into the Event Management & Safety Plan.
8. The Premises Licence Holder shall provide on the request of Kent Police, EHO Tonbridge & Malling or the Licensing Authority figures for pre-event ticket allocation, such information to be supplied within 24 hours of any such request so far as possible.
9. The Premises Licence Holder shall ensure that a means of counting the public entering the premises through any of the entries in place. The nature of the systems of counting will be agreed with the Kent Police and the Licensing Authority. The Premises Licence Holder shall comply with the agreed system.
10. The organisers will provide details of the line up to Kent Police three months prior to the start of the event.
11. Relevant and appropriate insurance will be secured prior to the event.
12. The total capacity for the premises licensed area will be 14,999 people excluding staff.
13. The event organiser shall advertise there are no tickets available to purchase onsite when the event has started.

14. The licensed premises will be held within a contained, fenced site and access will be controlled by physical means and security and stewarding personnel.
15. The licensed premises will be made up of three distinct areas: Arena; campsite, including a provision for parking for campers; and a coach and shuttle transport hub. In addition, the premises will contain provision for back of house, production and equipment storage areas that will all be subject to controlled and restricted access.
16. Access to both the arena and the campsite will be controlled and shall only be granted to customers who hold a valid event ticket and staff and contractors with valid accreditation.
17. All areas off limits to the general public shall be identified, marked and controlled by security and stewarding personnel. A suitable means of identifying authorised persons shall be detailed in the Event Management & Safety Plan.
18. A closure will be requested, by the premises licence holder, of the public right of way that crosses the site from the A20 to a bridge over the M20 within the necessary time limits.
19. An Event Control will be operational for the duration of the live show days with all accidents, incidents, complaints and near misses logged and tracked by the Event Control team.
20. An event liaison team will be established from key members of the management team, local agencies and local authority as required and will meet at regular intervals and as required during the operation of the event.
21. All event management communications shall be carried out via a two way radio system in accordance with a communications plan that includes, but it is not limited to, communications protocol, key contact details, radio provision and procedures for what to do in the event on communications failure.
22. The licence-holder will ensure that all volunteers, staff, contractors, stewards and security receive a written statement of their duties and are briefed on key safety systems and emergency and evacuation procedures in place for the event.
23. All sales of alcohol will take place from designated bars, managed by a personal licence holder who will be present at all times.
24. All personal licence holders will only operate under the permission and authority of the Designated Premises Supervisor.

25. All bar staff will be subject to licence training, including refusals due to proof of age or intoxication prior to the start of the event or their shift and records of training maintained for inspection by the licensing authorities.
26. Notification of food traders and required supporting documentation will be provided to the local authority no later than 28 days in advance of the event.

b) The prevention of crime and disorder

27. An experienced security and stewarding provider will be contracted to deliver a robust crowd management plan detailing the approach to the prevention of crime and disorder to be included as an Appendix to the Event Management & Safety Plan.
28. The crowd management plan will provide details of the responsibilities within and outside the event site detailing required experience, qualification, training, duties, resource levels, locations, schedules and shifts along with details of the management and reporting arrangements.
29. The licence holder will liaise with the local police and appointed security and stewarding provider in all matters relating to the event including but not limited to prevention of crime and disorder, crowd management, conditions of entry and access control.
30. The Event Management & Safety Plan will contain details of the procedures for dealing with antisocial behaviour, crime and disorder including procedures agreed with the police for the reporting and management of crime within the premises.
31. An ejection policy and procedure shall be contained within the crowd management plan that will include details of how ejections are managed in the event vicinity. A record of all ejections will be maintained within Event Control.
32. All Security Staff shall wear distinctive clothing to clearly identify them as Security Staff.
33. Stewards will be easily distinguishable from members of the public and other SIA or Police personnel and shall wear reflective clothing clearly marked "Steward" or other appropriate word signifying their duties
34. For all events all Stewards will be trained in their duties prior to allowing members of the public onto the premises to ensure they have a full understanding of the operation, safety and emergency procedures applicable to the event. All training records will be kept

by a responsible person and be available for inspection upon reasonable notice being given.

35. Appropriate CCTV will be in operation throughout the event site and controlled by a trained operative from Event Control. Information observed will be relayed to Event Control and security personnel, with signage alerting customers to this.
36. Conditions of entry to the licensed premises will be advertised to all guests prior to the event taking place and at all entrance points, including a list of items not allowed into the premises such as illegal drugs, glass and items that can be construed as weapons. The Conditions of entry shall state clearly that the Police will be informed if anyone is found in possession of controlled substances or weapons.
37. A clear message shall be placed on the event web site that the premises operates a zero tolerance policy towards drugs whether it be in relation to possession, dealing or using and this shall be communicated to customers directly pre-event.
38. All customers and vendors are subject to a search process, either on their person or vehicle, including the use of detection dogs and wands as defined in the crowd management plan and contained within the Event Management & Safety Plan.
39. Secure amnesty and confiscation bins will be in operation at public entrance points for the secure retention and disposal of all prohibited items including illegal drugs, glass, needles and weapons. Placement and number of receptacles must be agreed with Kent Police prior to any member of the public admitted to the event.
40. Search dogs will be provided by the premises licence holder and will be utilised at all public entry points into the site.
41. The Premises Licence Holder shall maintain a register of all drugs found or seized within the premises and notify Kent Police of any such items as soon as practicable. Drugs will be kept within a secure storage facility and will only be removed on collection by a Police Officer or PCSO.
42. Training shall be provided to all staff engaged in the sale of alcohol in relation to the prevention of sales to persons under the age of 18 years and to persons who are, or appear intoxicated with alcohol. A written record shall be made of such training and be made available to the Licensing Authority or Police upon request.
43. No irresponsible drinks promotions will be allowed onsite in relation to the sale of alcohol.

44. Customers in possession of a valid ticket for camping will be allowed a limit of 12 cans and a litre of spirit or wine, contained within a 'sealed' plastic bottle, per person, into the campsite at the point of entry of the licensed premises. Customers will be advised of this in the terms and conditions of their ticket purchase.
45. Adequate lighting, including emergency lighting, will be provided within and around the premises to allow for the safe movement of customers, staff and contractors and to ensure vulnerable locations are visible.

c) Public safety

46. The maximum capacity for the premises licensed area will be 14,999 people excluding staff. Procedures detailed in the Crowd Management Plan will ensure this capacity is monitored, centrally logged and adhered to.
47. A plan detailing major incidents and emergencies procedures will be developed in consultation with the responsible bodies and included within the Appendices of the Event Management & Safety Plan.
48. Rendezvous points will be agreed with the emergency services, blue routes will be maintained throughout the event site and details will be contained within the Event Management & Safety Plan and held within Event Control.
49. A dedicated telephone line shall be set up and staffed by the Premises Licence Holder at all times during any event when reasonably required by the Licensing Authority so that members of the public can contact the Premises Licence Holder with any problems they may have. The Premises Licence Holder is to log all calls which are received and include what action has been taken, the log is to be available for inspection by authorised officers upon request. The number of this telephone line shall be publicised at least two weeks prior to the start of the event to residents likely to be disturbed by the activities at the event.
50. Customers are prohibited from bringing glass on to site and no food or beverages will be served in glass except in restricted and controlled areas on site within staff and artist compounds and in food and drink preparation areas.
51. Where a customer is deemed to be intoxicated and pose a potential risk to themselves or others they will be managed by the welfare and/or medical team on site and subject to the vulnerable person's procedures contained within the Event Management & Safety Plan.

52. An appropriately qualified, skilled and experienced event medical provider will be contracted to plan and deliver a robust on site medical and first aid service when the event is open to the public. These plans will be based upon a clear risk assessment and defined in a medical plan contained within the Event Management & Safety Plan.
53. An appropriately skilled and experienced event welfare provider will be contracted to plan and deliver an event welfare service working alongside the event medical, security and event management teams. Event welfare services will operate throughout the period the event is open to the public.
54. An appropriately qualified, skilled and experienced event traffic management provider will be contracted to plan and deliver a robust traffic management plan based on an assessment of the requirements for the event and to minimise the disruption to surrounding roads. The plan will be contained within the Event Management & Safety Plan.
55. The traffic management plan will include, as required, the application, implementation and enforcement of temporary traffic orders including, but not limited to the installation of signage, road closures, speed restrictions and parking suspensions.
56. The fire management plan will include the location and provision of fire marshals and firefighting equipment. A location plan will be kept within Event Control.
57. All LPG gas appliances will carry a valid safety inspection certificate. LPG gas cylinders will be stored securely away from areas accessible to customers and a record of their location kept within Event Control. Customers are not allowed to bring gas canisters on site.
58. Combustible materials within the premises will be kept to a minimum and all fabric of event structures, marquees, drapes, linings and any floor covering will be flame retardant to current standards as applicable.
59. Smoking will not be permitted within enclosed areas and signage will be displayed.
60. A suitable and sufficient number of emergency exits shall be located around the perimeter of the premises. These will be clearly marked and be stewarded during the operation of the event.
61. Any enclosed structure within the event site will be operated and occupied in accordance with the stated capacity and exits clearly marked.

62. Suitable and sufficient emergency signage and lighting will be located across the site where appropriate and details contained within the Event Management & Safety Plan.
63. All guy ropes and stakes near exits to be maintained clear of pedestrian routes and shall be clearly marked and/or protected to avoid tripping.
64. Vehicle access to the site outside public opening will be controlled through gates managed by security personnel.
65. There will be no vehicle movement within the front of house arena areas during opening times, except in an emergency and with the agreement of Event Control. Any vehicle movement within the arena during opening times will be subject to marshalling.
66. An adverse weather plan, including a wind management plan will be developed by the event safety advisor and contained within the Event Management and Safety Plan.
67. All temporary electrical installations will be planned, installed and tested by an appropriately qualified, competent and experience electrician. Installations will be tested and copy of the test certificates will be held in Event Control.
68. All temporary demountable structures will be installed by a suitably competent and experienced supplier and completed installation documentation will be held within the Site Office.
69. Free potable water and soft drinks will be available to all event guests onsite.

d) The prevention of public nuisance

70. All staff will receive event specific briefings to ensure they understand the premises, emergency procedures and all operating procedures relevant to their roles and responsibilities.
71. A programme of resident engagement will occur prior to the event each year, including engagement with local residents directly and through bodies such as Parish Councillors.
72. Local residents will be provided with a contact number for the event during live show days and an email address throughout the event process to report issues. Contact details for the festival will be provided for local residents to report any issues that may arise. This will include an email address and a contact number specifically for live show days.

73. An appropriately competent and experienced noise management consultant will be contracted to prepare and implement a noise management plan in consultation with the local authority. Implementation will include the active monitoring, management and recording of noise levels during the event.
74. The licence-holder will prepare and implement a transport plan detailing the arrangements for coach, car, staff and disabled parking, shuttle and taxi collection and drop off that will be contained within the Event Management and Safety Plan.
75. A waste management plan will be provided and operated by a suitably competent and experienced waste management provider to include management of waste within the premises and the vicinity of the premises. The waste management plan will be included within the Event Management & Safety Plan.
76. There will be proper and adequate control of litter generated by the premises which will be stored securely in a designated area.
77. The licence-holder shall ensure that the premises and vicinity of the premises is clear of litter after site breakdown.
78. Sanitation will be calculated based on the anticipated number of attendees and have a balance of single, multiple, urinal, accessible and high dependency units as assessed as being required and located throughout the premises.

e) The prevention of children from harm

79. No persons under the age of 18 years will be permitted within the licensed premises during the period the event is operational.
80. A Challenge 25 scheme shall be implemented to the satisfaction of the Licensing Authority and Kent Police with signage displayed at all points where alcohol is to be sold and at entrances to the event.
81. A vulnerable person's procedure shall be in place throughout the event and contained within the Event Management and Safety Plan
82. A designated area shall be identified and made known to all necessary staff for lost vulnerable adults.
83. The premises shall comply with the regulations of the Licensing Act 2003 with regards of the sale of alcohol to underage persons.
84. Nudity will not be permitted within any performance

Noise conditions

85. During operation of the main arena (subject to agreed timings) the music noise level shall aim to achieve a level of 65dBLAeq,15min and at no time shall not exceed a level of 70dBLAeq,15min as measured at any noise sensitive receptor.
86. During operation of the campsite (subject to agreed timings) the music noise level shall not exceed 45dBLAeq,15min as measured at any noise sensitive receptors.
87. Up to 23.00 hours music noise levels in 63Hz or 125Hz octave frequency bands shall not exceed 70dB in any 15-minute period at 2km and beyond. The monitoring points will be agreed with the Environmental Enforcement Team prior to an event. Beyond 23.00hrs levels will be actively managed to minimise impact on the Local Community.
88. Ambient music (recorded/DJ) in the campsite area shall not be played after 02.00 hours on Saturday morning or Sunday morning, and 01.00 hours on Monday morning.

LAP 19/3 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 3.58 pm
having commenced at 9.30 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

JOINT STANDARDS COMMITTEE

Wednesday, 12th June, 2019

Present: Cllr J L Sergison (Chairman), Cllr D A S Davis (Vice-Chairman), Cllr Mrs P A Bates, Cllr R I B Cannon, Cllr P M Hickmott, Cllr A Kennedy, Cllr M Taylor, Cllr C J Williams; and Parish Councillors Mrs C Short (Addington), Mr A Sullivan (Aylesford), Mr I Simpson (Borough Green), Mr W E Stead (Burham), Ms S Watson (East Peckham), Ms J Newman (Hadlow), Mr R Ulph (Leybourne), W Palmer (Platt), Prof M McKinlay (Ryarsh) and Mr D Beach (Wrotham)

Councillors N J Heslop and Miss G E Thomas were also present pursuant to Council Procedure Rule No 15.21.

The Clerks for Addington, East Peckham, Leybourne, Trottiscliffe, Wouldham and Wrotham Parish Councils were also in attendance in respect of the Training on the Code of Conduct and Standards Regime.

Apologies for absence were received from Councillors Mrs S Bell, Mrs T Dean, Mrs C B Langridge, D Lettington, D Thornewell; from Parish Councillors Mr N Newman (Ditton), Mr D Waller (Kings Hill), and Mr D Gaunt (Trottiscliffe); and from Mr C Grenyer and Mr D Mercier (Independent Persons).

PART 1 - PUBLIC

ST 19/1 DECLARATIONS OF INTEREST

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

ST 19/2 TRAINING ON CODE OF CONDUCT

The Committee received a presentation from the Director of Central Services and Deputy Chief Executive, introducing the work of the Joint Standards Committee for the particular benefit of new Borough Members and Parish/Town Council representatives. An outline was given of the standards regime, the requirements of the Code of Conduct and, in particular, the rules governing Disclosable Pecuniary Interests and Other Significant Interests. Details were discussed of arrangements for the investigation of allegations in Tonbridge and Malling, the role of the Joint Standards Committee and operation of the Hearings Panel. The Director of Central Services answered a number of questions raised at the meeting.

ST 19/3 MINUTES

RESOLVED: That the Minutes of the meeting of the Joint Standards Committee held on 5 March 2018 be approved as a correct record and signed by the Chairman.

MATTERS SUBMITTED FOR INFORMATION**ST 19/4 COMMITTEE ON STANDARDS IN PUBLIC LIFE - REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS**

The report of the Monitoring Officer provided an update on the findings in the report of the Committee on Standards in Public Life following its review of local government standards undertaken during 2018.

RESOLVED: That the report be received and noted

ST 19/5 UPDATE - CODE OF CONDUCT COMPLAINTS 2018/19

The report of the Monitoring Officer provided an update on complaints received since March 2018.

RESOLVED: That the report be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE**ST 19/6 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.26 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 18th June, 2019

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr Mrs P A Bates, Cllr A E Clark, Cllr Mrs F A Kemp, Cllr D W King, Cllr Mrs R F Lettington and Cllr N G Stapleton

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

Apologies for absence were received from Councillor C Brown (Vice-Chairman) and Councillors M A Coffin, H S Rogers, R V Roud and M Taylor

PART 1 - PUBLIC

LA 19/33 DECLARATIONS OF INTEREST

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

LA 19/34 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 12 March 2019 be approved as a correct record and signed by the Chairman.

LA 19/35 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 22 March and 5 April 2019 be received and noted.

LA 19/36 TRAINING - OVERVIEW OF LICENSING

The Committee received a presentation from the Director of Central Services and the Head of the Licensing, Community Safety and Customer Service, introducing the work of the Licensing and Appeals Committee for the particular benefit of new Borough Councillors and of the Committee. An overview of the Licensing Act 2003 was given and an outline of the Licensing regime provided, with particular focus on Premises Licences and the operation of Panels/Hearings. The Director of Central Services answered a number of questions raised at the meeting and it was noted that the training on Hackney Carriage and Private Hire Licensing would be provided at the next meeting of the Committee scheduled to be held on 17 September.

LA 19/37 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.55 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Wednesday, 19th June, 2019

Present: Cllr Mrs F A Kemp (Chairman), Cllr L J O'Toole (Vice-Chairman), Cllr Mrs P A Bates, Cllr M D Boughton, Cllr M A Coffin, Cllr D J Cooper, Cllr M A J Hood, Cllr K King, Cllr B J Luker, Cllr W E Palmer, Cllr N G Stapleton and Cllr Mrs M Tatton

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

Apologies for absence were received from Councillors Mrs S Bell and D A S Davis

PART 1 - PUBLIC

GP 19/10 DECLARATIONS OF INTEREST

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

GP 19/11 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 28 January 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 19/12 HUMAN RESOURCES STRATEGY UPDATE

The report of the Director of Central Services advised 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, reviewed progress in achieving the improvement priorities identified for April 2018 to March 2019 and identified actions to be implemented in 2019/20. It also gave details of the outcome of equality monitoring of staffing issues in 2018/19 as required by the Equality Act 2010.

In considering the age distribution of staff, Members discussed ways of encouraging the employment and retention of more young people. Officers undertook to investigate and report back on the possibility of subsidising public transport to the council offices.

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 2019 – March 2020) be adopted by the Council.

***Referred to Council**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

GP 19/13 DISPENSATION - COUNCILLOR MARK DAVIS

Further to Minutes GP 16/19 and GP 18/22, Members considered a request for a dispensation under section 33 of the Localism Act 2011 to enable Councillor Mark Davis to continue to participate in meetings of the Area Planning Committees, the Planning and Transportation Advisory Board and other meetings where the Local Plan was under consideration in circumstances where he would otherwise be required to declare an Other Significant Interest (by virtue of being a partner in Warners Solicitors and having a client of the firm with an interest in the matter under consideration) and leave the room having taken no part in the discussion or vote.

It was noted that Councillor Davis did not seek a dispensation to vote on any such reports but sought permission to be allowed to address the meeting, remain in the room and hear the discussions. The grounds for the original request for the dispensation were set out in Annex 1 to the report for ease of reference.

The report gave details of the circumstances and procedures in the Council's Constitution for granting dispensations under the Localism Act and provided a review of the previously agreed dispensation. It was noted that the two current Independent Persons had been consulted on the continuation of the dispensation.

RESOLVED: That

- (1) dispensation be granted to allow Councillor M Davis to remain in the meetings of the Area Planning Committees, Planning and Transportation Advisory Board, Cabinet and Full Council where the Local Plan is discussed (in circumstances where he would otherwise be required to declare an Other Significant Interest) to listen to, but not participate in, the debate or vote on the matter in hand. In addition, Councillor Davis would have the right to address the meeting but would not be permitted to take part further in the discussions; and
- (2) the dispensation remain in effect until the next local elections in 2023.

MATTERS FOR CONSIDERATION IN PRIVATE**GP 19/14 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 PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)****GP 19/15 ESTABLISHMENT CHANGES**

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

The report of the Management Team set out for noting and approval a number of establishment changes arising from the ongoing operational management of the Borough Council's services.

RESOLVED: That

(A) the following establishment adjustments, as set out in the report, be noted:

- (1) the grade attaching to Civil Enforcement Officer posts DE0402, DE0403, DE0404, DE0405, DE0406, DE0409, DE0410 and DE0411, 37 hours per week, be increased from scale 1/3 to scale 4 with effect from 21 May 2019;
- (2) the grade attaching to post DE0401, Senior Civil Enforcement Officer, 37 hours per week, be increased from scale 5/6 to scale 6 with effect from 21 May 2019;
- (3) the grade attaching to the role of Civil Enforcement Supervisor posts DE0407 and DE0412, 37 hours per week, be increased from scale 4 to scale 5 with effect from 21 May 2019;
- (4) the extension of the expiry date for the temporary arrangement pertaining to the role of Waste Contract Officer post DG2098 scale 6, 37 hours per week, until 31 January 2020 be noted;
- (5) the extension of the expiry date for the temporary arrangements pertaining to the post DG2003 whereby the post has temporarily

been re-designated Waste Services Manager and re-graded M8, 37 hours per week, to 31 December 2019 be noted;

- (6) the re-designation and extension of the hours of the temporary post of Waste and Enforcement Support Officer post DG2097 scale 5, from 22.5 hours per week to Waste Services Officer 37 hours per week, and the extension of this contract to 31 December 2019 be noted;
- (7) the extension of the temporary arrangements for the role of Senior/Waste and Enforcement Support Officer post DG2099, scale 6, 21.5 hours per week, to 31 December 2019 be noted;
- (8) the extension of the temporary post of Special Projects Officer post DF0597 grade 5/6, 37 hours per week, until 31 March 2020 be noted;
- (9) the extension of the temporary post of Revenues and Visiting Assistant DF0998 scale 2/3/4, 37 hours per week, until 31 March 2020 be noted; and
- (10) the financial impact of the changes outlined in the report be noted as growth of £36,675 and a consequent increase by this amount in the savings target.

(B) the following recommendations be approved:

- (1) post DJ0318 be permanently re-designated Principal Planning Officer M8, from Senior Planning Officer M9, and established at 22.5 hours per week with immediate effect;
- (2) post DG0199 Ranger, 18.5 hours per week, scale 2, be deleted from the establishment with effect from 3 June 2019; and
- (3) the hours attaching to post DG0109 Park Ranger scale 4 be increased from 22.5 to 37 per week with effect from 3 June 2019.

The meeting ended at 8.04 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 20th June, 2019

Present: Cllr J L Sergison (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr M C Base, Cllr T Bishop, Cllr J L Botten, Cllr M D Boughton, Cllr C Brown, Cllr R W Dalton, Cllr M O Davis, Cllr M A J Hood, Cllr A P J Keeley, Cllr M Taylor and Cllr Miss G E Thomas.

Councillors Mrs P A Bates, N J Heslop, D Lettington and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs J A Anderson, D Keers, H S Rogers and D Thornewell.

PART 1 - PUBLIC

OS 19/12 DECLARATIONS OF INTEREST

Whilst not a member of the Overview and Scrutiny Committee, Councillor N Heslop declared an Other Significant Interest in the Tonbridge Castle – Concessionary Users item on the grounds that he was a Board Member for the Bridge Trust which was on the concessionary users list. In addition, his wife was president of the Tonbridge Art Group which also appeared on the concessionary users list. He did not participate in any discussion and withdrew from the meeting.

For reasons of transparency, Councillor M Davis advised that his father was a trustee of one of the organisations that had concessionary use at Tonbridge Castle. However, it was felt that this did not represent a Disclosable Pecuniary or Other Significant Interest and he remained in the meeting and participated in the discussion.

OS 19/13 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 14 March 2019 be approved as a correct record and signed by the Chairman.

OS 19/14 APPOINTMENT OF CO-OPTED MEMBERS

The Chairman referred to the recently published Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities (attached as an annex to the Scrutiny Review Programme 2019/20) which

recommended the establishment of a co-option scheme to determine how individuals would be co-opted on to committees.

It was therefore proposed by Councillor J Sergison (Chairman), seconded by Councillor F Tombolis (Vice-Chairman) and

RESOLVED: That the co-option of Members be deferred so that a co-option scheme could be considered and/or established to review and determine how individuals would be co-opted on to the Overview and Scrutiny Committee.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 19/15 TONBRIDGE CASTLE - CONCESSIONARY USERS

The report of the Director of Central Services and Deputy Chief Executive outlined a review of the concessionary charging regime applicable to Tonbridge Castle. A number of options were set out for further consideration.

It was noted that there were currently 29 organisations, predominantly based in Tonbridge, on the approved concessionary users list (attached as Annex 1 to the report). Of these only six had booked the Castle Chamber in 2019/20.

Members welcomed the opportunity to improve the commercial viability of Tonbridge Castle but also recognised the difficult balance in supporting the local community need. However, on balance it was felt that Tonbridge had a number of other venues that could be used by local organisations at competitive rates. The removal of a concessionary users list also provided a consistent approach with that adopted in the parished areas of the Borough.

RECOMMENDED: That

- (1) the concessionary user discount list be discontinued; and
- (2) any future discounts be authorised by the Director of Central Services on an exception only basis.

OS 19/16 REVIEW OF CUSTOMER SERVICE SURGERIES

The report of the Director of Central Services and Deputy Chief Executive outlined a review of the Customer Service Surgeries at Borough Green, Larkfield and Snodland. A number of options were set out for further consideration.

It was noted that the cost of operating the surgeries was high compared to the low number of weekly enquiries at each location. It was also noted that there were many ways that customers could contact the

Borough Council including on-line, telephone or face-to-face to a customer services representative at Kings Hill or Tonbridge Castle.

Members recognised that the Borough Council continued to face significant financial pressures and had a commitment to identify potential areas of saving. It was felt that the surgeries did not represent value for money given their low number of visitors.

However, the wider community benefits offered by these surgeries, especially for more vulnerable residents, was important. It was indicated that if the Committee was minded to close the surgeries an Equality Impact Assessment could be undertaken to review how the more vulnerable residents would be affected.

RECOMMENDED: That the closure of the Customer Service Surgeries in Borough Green, Larkfield and Snodland on the grounds of financial unsustainability due to the low footfall visiting each site be supported in principle, subject to an Equality Impact Assessment being undertaken and further evidence collected and reported to Cabinet.

MATTERS SUBMITTED FOR INFORMATION

OS 19/17 SCRUTINY REVIEW PROGRAMME 2019/20

The report of the Chief Executive set out details of the Review Programme for the remainder of the calendar year. It was reiterated that the aim of each Scrutiny Review was to explore opportunities to improve service provision that directly affected local communities.

In addition, the recently published Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities was attached for information.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 19/18 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.29 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 25th June, 2019

Present: Cllr N J Heslop (Chairman), Cllr R P Betts, Cllr M A Coffin, Cllr D Lettington, Cllr P J Montague and Cllr M R Rhodes

Councillors M A J Hood, D W King, Mrs C B Langridge and K B Tanner were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 19/46 DECLARATIONS OF INTEREST

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

CB 19/47 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 5 June 2019 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE FUNCTIONS)

CB 19/48 CONSULTATION ON AMENDMENTS TO THE RIVER MEDWAY (FLOOD RELIEF) ACT 1976

Decision Notice D190048CAB

CB 19/49 UPDATE ON MEDIUM TERM FINANCIAL STRATEGY AND SAVINGS AND TRANSFORMATION STRATEGY

Decision Notice D190049CAB

CB 19/50 BOROUGH ECONOMIC REGENERATION STRATEGY 2019-2023

Decision Notice D190050CAB

MATTERS SUBMITTED FOR INFORMATION

CB 19/51 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.

Planning and Transportation Advisory Board of 4 June 2019

Finance, Innovation and Property Advisory Board of 5 June 2019

Street Scene and Environment Services Advisory Board of 11 June 2019

Economic Regeneration Advisory Board of 17 June 2019

RESOLVED: That the report be received and noted.

CB 19/52 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 10 June 2019

Parish Partnership Panel of 13 June 2019

RESOLVED: That the report be received and noted.

CB 19/53 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.08 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

**Decision No:
D190043MEM**

Date: 11 June 2019

Decision(s) and Reason(s)

Waste Services Contract

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

The report provided an update on the new Waste Services Contract which had started on 1 March 2019. The improved recycling services were due to commence from 30 September 2019 and it was anticipated that new arrangements for the bring bank service would start once these had settled in. In addition, the Government's recently published 25 year Resources and Waste Strategy was highlighted.

It was also considered appropriate to revisit the representation on the Member Group, which had been established to help oversee the implementation of the new waste contract.

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

- (1) the representation on the Member Waste Contract Group for 2019/20 be the Chairman (Councillor Mark Davis), Vice-Chairman (Councillor Sue Bell), the Cabinet Member (Councillor Robin Betts), Councillor Georgina Thomas, Councillor Roger Roud, Councillor Des Keers and Councillor Tim Shaw;
- (2) a report be submitted to a future meeting of the Advisory Board on the Bring Bank service arrangements; and
- (3) the Kent Resource Partnership's response to the Government's consultation on the National Waste Resources and Waste Strategy, summarised at paragraph 1.5 of the report, be noted and updates be reported to future meetings of the Advisory Board.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 11 June 2019.

Signed Cabinet Member for
Street Scene and
Environment Services

R Betts

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

14 June 2019

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:
D190044MEM**

Date: 11 June 2019

Decision(s) and Reason(s)

Priory Wood, Tonbridge - Landfill Gas Investigation

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

The report sought approval for detailed landfill gas investigation and risk assessment work at the Priory Wood site in Tonbridge. The site was a public open space owned and maintained by the Borough Council and regular monitoring of the site had been ongoing since 1988. However, an in-depth review was considered necessary in light of the recent issues at the former Jocopit site in Borough Green.

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

- (1) the commencement of detailed landfill gas investigation and risk assessment work at the Priory Wood site using a suitable contractor, as set out in the report, be endorsed: and
- (2) the provision of a service contract and upgrade of the gas pump on site be endorsed.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 11 June 2019.

Signed Cabinet Member for
Street Scene and
Environment Services

R Betts

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

14 June 2019

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:
D190045MEM**

Date: 11 June 2019

Decision(s) and Reason(s)

Environmental Health Performance 2018/19

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

The report summarised the operational activities of the Borough Council in relation to its statutory Environmental Health functions undertaken by the Environmental Protection and the Food and Safety Teams for 2018/19.

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

The performance information related to the food and safety and environmental protection functions in 2018/19, as set out in the report, be noted and endorsed.

Reasons: As set out in the report to the Street Scene and Environment Services Advisory Board of 11 June 2019.

Signed Cabinet Member for
Street Scene and
Environment Services

R Betts

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

14 June 2019

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:
D190046MEM**

Date: 17 June 2019

Decision(s) and Reason(s)

Business Rates Retention Pilot Scheme Initiatives - Update

(Report of Chief Executive)

The report set out details of progress on economic regeneration initiatives within the Borough funded by income received from the Business Rates Retention Pilot. Particular reference was made to the Town and District Commercial Frontages Grant Scheme launched at the end of March 2019 and the potential for this to be extended to local centres and parades across the Borough.

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

- (1) the content of the report be noted; and
- (2) initial scoping work on a local centres shopfront improvement scheme be undertaken and a report on the scheme, along with a list of other potential initiatives, be submitted to the next meeting of the Advisory Board.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 17 June 2019

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 21 June 2019

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:
D190047MEM

Date: 17 June 2019

Decision(s) and Reason(s)

Visit Kent Service Level Agreement 2019

(Report of Chief Executive)

The report provided a summary of the current Service Level Agreement between the Borough Council and Visit Kent and set out details of the proposed agreement for 2019/20.

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 2019/20 at the level set out at paragraph 1.4.1 of the report (a maximum of £3,680) be agreed; and
- (2) the activities set out at paragraph 1.4.2 of the report be included in the Service Level Agreement.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 17 June 2019

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 21 June 2019

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: D190048CAB

Date: 25 June 2019

Decision(s) and Reason(s)

Consultation on Amendments to the River Medway (Flood Relief) Act 1976

(Item PE 19/11 referred from Planning and Transportation Advisory Board minutes of 4 June 2019)

Consideration of recommendations to the Cabinet from the Planning and Transportation Advisory Board of 4 June 2019.

The Cabinet resolved that:

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

- (1) the content of the report be noted; and
- (2) the proposed response outlined at paragraph 1.4 of the report be endorsed, subject to emphasising the benefits of the scheme to communities further downstream such as East Peckham and Golden Green.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 4 June 2019.

Signed Chief Executive:

J Beilby

Date of publication: 28 June 2019

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: D190049CAB
Date: 25 June 2019

Decision(s) and Reason(s)

Update on Medium Term Financial Strategy and Savings and Transformation Strategy

(Report of Management Team)

The report provided an update on both the Medium Term Financial Strategy (MTFS) and Savings and Transformation Strategy (STS) together with an assessment of the latest projected funding gap which was not static and changed in response to internal and external factors. It was noted that early indications suggested an increase of £50,000 in the funding gap from when the 2019/20 budget was set. The report also referred to the implications of the likely delay of the Fair Funding Review and the future of New Homes Bonus.

The Cabinet reflected on the savings achieved since the introduction of the STS in 2016 and the budget areas being reviewed by the Overview and Scrutiny Committee in addressing the current year's saving contribution of £100,000. Further opportunities for delivering savings and transformation contributions over the medium term would continue to be identified and considered.

The Cabinet resolved that:

- (1) the present position with regard to the MTFS and STS be noted; and
- (2) opportunities for delivering savings and transformation contributions over the medium term continue to be identified.

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

Signed Chief Executive: J Beilby

Date of publication: 28 June 2019

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: D190050CAB
Date: 25 June 2019

Decision(s) and Reason(s)

Borough Economic Regeneration Strategy 2019-2023

(Item ERG 19/12 referred from Economic Regeneration Advisory Board minutes of 17 June 2019)

Consideration of recommendations to the Cabinet from the Economic Regeneration Advisory Board of 17 June 2019.

The Cabinet resolved that:

The recommendations of the Economic Regeneration Advisory Board be approved as follows:

The Borough Economic Regeneration Strategy 2019-2023, as set out at Appendix 1 to the report, be approved.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 17 June 2019.

Signed Chief Executive: J Beilby

Date of publication: 28 June 2019

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 Area 2 Planning Committee held on 3 July 2019 are *'to follow'*

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 2 PLANNING COMMITTEE

Wednesday, 3rd July, 2019

Present: Cllr H S Rogers (Chairman), Cllr B J Luker (Vice-Chairman), Cllr Mrs J A Anderson, Cllr C Brown, Cllr S A Hudson, Cllr Mrs F A Kemp, Cllr Mrs C B Langridge, Cllr P J Montague, Cllr W E Palmer, Cllr T B Shaw, Cllr N G Stapleton, Cllr K B Tanner and Cllr M Taylor

Councillor D Lettington was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors R P Betts, M A Coffin, L J O'Toole and J L Sergison

PART 1 - PUBLIC

AP2 19/29 DECLARATIONS OF INTEREST

Immediately prior to consideration of application TM/19/00326/FL (Bonhill Cottage, Basted Lane, Crouch) and for reasons of transparency, Councillor Wendy Palmer advised that she was the Chairman of Platt Parish Council who were a consultee to this application.

AP2 19/30 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 29 May 2019 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 19/31 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 19/32 TM/18/01240/FL - WOODFORD, OLD LANE, IGHTHAM

Section 73 application for the variation of conditions 1 (time limited and personal condition), 2 (restore site when temporary consent expires) and 4 (number of caravans) pursuant to planning permission TM/11/01444/FL (Variation of conditions 1 and 2 on TM/07/01238/FL: Change of use for stationing of two caravans for residential use, fencing and sheds for occupation by a single gypsy family) at Woodford Old Lane, Ightham.

RESOLVED: That the application be DEFERRED to the next meeting of the Area 2 Planning Committee to enable the Director of Central Services and Monitoring Officer to submit an independent report on the possibility of costs if Members were minded to refuse the application.

[Speakers: Ightham Parish Council (Kirsty Mitcham); Leonard Sinclair, John Miles, Stuart Russell, and Ruth Simpson – Members of the public]

AP2 19/33 TM/19/00326/FL - BONHILL COTTAGE, BASTED LANE, CROUCH

Demolish existing dwelling and erection of replacement dwelling and detached studio at Bonhill Cottage, Basted Lane, Crouch.

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 Conditions

11. The annex hereby approved shall be used only for purposes incidental to the enjoyment of the related dwelling house and no trade or business shall be carried out therefrom.

Reason: To safeguard the residential amenity of the nearby dwellings and preserve the character of the locality.

12. The window on the first floor west elevation of the annexe shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

(2) Additional Informative

1. The applicant is advised that the annexe building hereby approved cannot be occupied as a separate unit of residential accommodation and this would amount to a material change of use requiring planning permission in its own right.

[Speakers: Platt Parish Council (Brian Biggs) and Karen Southon – applicant]

AP2 19/34 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 9th July, 2019

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

Present: Her Worship the Mayor (Councillor Mrs J A Anderson), the Deputy Mayor (Councillor R V Roud), Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr V M C Branson, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr A E Clark, Cllr M A Coffin, Cllr D J Cooper, Cllr R W Dalton, Cllr D A S Davis, Cllr N J Heslop, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr A P J Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr K King, Cllr Mrs C B Langridge, Cllr J R S Lark, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr W E Palmer, Cllr M R Rhodes, Cllr H S Rogers, Cllr J L Sergison, Cllr T B Shaw, Cllr N G Stapleton, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr Miss G E Thomas, Cllr D Thornewell, Cllr F G Tombolis and Cllr C J Williams

Apologies for absence were received from Councillors J L Botten, M O Davis, Mrs T Dean, N Foyle, S M Hammond, A Kennedy and D W King

PART 1 - PUBLIC

C 19/56 DECLARATIONS OF INTEREST

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

However, Councillor T Bishop referred to agenda item 10 (Larkfield Leisure Centre Capital Schemes 2019/20 – Mechanical, Electrical and Roofing Work), which was referred from Cabinet (CB 19/41), and advised that he was a Board Member for the Leisure Trust.

C 19/57 MINUTES

RESOLVED: That the Minutes of the proceedings of the Annual Meeting of the Council held on 20 May 2019 be approved as a correct record and signed by the Mayor.

C 19/58 MAYOR'S ANNOUNCEMENTS

Reference was made to the recent sad death of Honorary Freeman and former Mayor Mrs Marion Cole and the Mayor paid tribute to her service

as a local councillor. The funeral would be held at St Peter and St Paul's Church, Aylesford on Thursday 25 July at noon. The service was open to everyone and the Mayor asked that those wishing to attend inform the Mayor's Office so that the family could have an idea of numbers.

The Mayor reported that since her inauguration at Annual Council she had attended a number of events. These included the Queen's Garden Party, Tonbridge Carnival, the Tonbridge Lions It's a Knockout event and the Tonbridge and Malling Cricket Festival. She was also pleased to report that the recent Civic Service had been well attended.

Upcoming activities and events included the Mayor's Garden Party, which would be held in the Memorial Garden at the Royal British Legion Village on Tuesday 23 July, and another Local Schools Debate was arranged for 11 October. Details of the Charity Quiz to be held around Christmas would follow in due course.

Finally, the Mayor thanked the Deputy Mayor (Councillor Roger Roud) for attending many events on her behalf and commented that this had been an exceptionally busy period.

**C 19/59 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL
PROCEDURE RULE NO 5.6**

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

**C 19/60 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL
PROCEDURE RULE NO 5.5**

No questions were received from Members pursuant to Council Procedure Rule No 5.5.

**C 19/61 NOTICES OF MOTION SUBMITTED PURSUANT TO COUNCIL
PROCEDURE RULE NO 5.27**

Consideration was given to a Notice of Motion pursuant to Council Procedure Rule No 5.27 submitted jointly by Councillors N Heslop, M Coffin, R Betts, D Lettington, V Branson, M Base, F Tombolis and M Boughton in the following terms:

We believe that a sustainable low-carbon future is essential for our own sake, and that of future generations – and is needed urgently to avoid the dangers of runaway climate breakdown.

A recent report published by the Intergovernmental Panel on Climate Change (IPCC) states that in order for us to limit the global temperature increase to 1.5°C, worldwide CO2 emissions need to decline by 45% from 2010 levels by 2030 and reach net zero emissions by 2050. This

target will allow us to support the international commitment to keep the planet's temperature rise below 1.5°C (above pre-industrial levels) as agreed under the Paris Agreement. We also note the recent Intergovernmental Science-Policy Platform on Biodiversity and Ecosystems Services report on global species and habitat loss.

Further to this, Council resolves to:

- 1. Declare its recognition of global climate change and biodiversity emergencies;*
- 2. Consider how the Council can strengthen local protection and enhance protection of species, habitats and ecosystems under available powers;*
- 3. Review services and operations to ensure Tonbridge and Malling Borough Council has policies that support climate change mitigation, for example the provision of electric charging points across the borough, so that it is one of the most welcoming places in the country for driving electric and hybrid vehicles;*
- 4. Request an initial report is made to the Cabinet setting out how, in partnership with other agencies, the Council will be making positive contributions to combat climate change.*

Councillor N Heslop proposed, seconded by Councillor R Betts, an alteration adding text to point 4 of the original motion as follows;

'... and bring forward a revised draft Climate Change Strategy by May 2020 including deliverable performance indicators and an aspiration for Tonbridge and Malling to be carbon neutral by 2030.'

Members signified consent to this alteration.

A number of amendments to the substantive motion were proposed (as set out below).

- (1) It was proposed by Councillor F Hoskins and seconded by Councillor A Clark that the substantive motion include an additional point *'calling upon Westminster to provide the powers and resource to make the 2030 target possible'*.

Upon receipt of the necessary requisition under Council Procedure Rule No 8.4 voting on the amendment was recorded as follows:

Members voting for the proposed amendment to the motion:

Cllr T Bishop, Cllr G C Bridge, Cllr A E Clark, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr Mrs A S Oakley, Cllr W E Palmer,

Cllr R V Roud, Cllr T B Shaw, Cllr N G Stapleton, Cllr Mrs M Tatton, Cllr M Taylor and Cllr D Thornewell.

Total = 14

Members voting against the proposed amendment to the motion:

Cllr Mrs J A Anderson, Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr R P Betts, Cllr M D Boughton, Cllr V M C Branson, Cllr C Brown, Cllr R I B Cannon, Cllr M A Coffin, Cllr D J Cooper, Cllr R W Dalton, Cllr D A S Davis, Cllr N J Heslop, Cllr S A Hudson, Cllr A P J Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr K King, Cllr Mrs C B Langridge, Cllr J R S Lark, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr M R Rhodes, Cllr H S Rogers, Cllr J L Sergison, Cllr K B Tanner, Cllr Miss G E Thomas, Cllr F G Tombolis and Cllr C J Williams

Total = 33

Members abstaining: None

RESOLVED: That the proposed amendment to the motion be rejected.

- (2) It was proposed by Councillor F Hoskins and seconded by Councillor A Clark that the substantive motion include an additional point *'we will liaise with other governments (both local, national and international) to determine best practice methods to limit global warming to less than 1.5 degrees C'*.

Upon receipt of the necessary requisition under Council Procedure Rule No 8.4 voting on the amendment was recorded as follows:

Members voting for the proposed amendment to the motion:

Cllr T Bishop, Cllr G C Bridge, Cllr A E Clark, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr Mrs A S Oakley, Cllr W E Palmer, Cllr R V Roud, Cllr T B Shaw, Cllr N G Stapleton, Cllr Mrs M Tatton, Cllr M Taylor and Cllr D Thornewell.

Total = 14

Members voting against the proposed amendment to motion:

Cllr Mrs J A Anderson, Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr R P Betts, Cllr M D Boughton, Cllr V M C Branson, Cllr C Brown, Cllr R I B Cannon, Cllr M A Coffin, Cllr D J Cooper, Cllr R W Dalton, Cllr D A S Davis, Cllr N J Heslop, Cllr S A Hudson, Cllr A P J Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr K King, Cllr Mrs C B Langridge, Cllr J R S Lark, Cllr D Lettington,

Cllr Mrs R F Lettington, Cllr B J Luker, Cllr P J Montague,
Cllr L J O'Toole, Cllr M R Rhodes, Cllr H S Rogers, Cllr J L Sergison,
Cllr K B Tanner, Cllr Miss G E Thomas, Cllr F G Tombolis and
Cllr C J Williams

Total = 33

Members abstaining: None

RESOLVED: That the proposed amendment to the motion be rejected.

Finally, the Leader of the Council advised that careful consideration had been given to the deadlines and it was felt that May 2020 was a realistic target given the significant amount of work to be undertaken and outcomes identified. Members were reassured that the Climate Change Strategy would be driven forward to meet this deadline.

Upon receipt of the necessary requisition under Council Procedure Rule No 8.4 voting on the Substantive Motion as proposed by Councillor N Heslop and seconded by Councillor R Betts was recorded as follows:

Members voting for the Substantive Motion:

Councillor Mrs J A Anderson, Cllr M C Base, Cllr Mrs P A Bates,
Cllr Mrs S Bell, Cllr R P Betts, Cllr M D Boughton, Cllr V M C Branson,
Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr A E Clark,
Cllr M A Coffin, Cllr D J Cooper, Cllr R W Dalton, Cllr D A S Davis,
Cllr N J Heslop, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins,
Cllr S A Hudson, Cllr A P J Keeley, Cllr D Keers, Cllr Mrs F A Kemp,
Cllr A Kennedy, Cllr K King, Cllr Mrs C B Langridge, Cllr J R S Lark,
Cllr D Lettington, Cllr Mrs R F Lettington, Cllr B J Luker,
Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole,
Cllr W E Palmer, Cllr M R Rhodes, Cllr H S Rogers, Cllr R V Roud,
Cllr J L Sergison, Cllr T B Shaw, Cllr N G Stapleton, Cllr K B Tanner,
Cllr Mrs M Tatton, Cllr M Taylor, Cllr Miss G E Thomas,
Cllr D Thornevell, Cllr F G Tombolis and Cllr C J Williams

Total = 46

Members voting against the Substantive Motion:

Total = 0

Members abstaining:

Cllr T Bishop

RESOLVED: That the Notice of Motion (as amended) proposed by Councillor N Heslop and seconded by Councillor R Betts (set out below) be agreed:

1. The Borough Council's recognition of global climate change and biodiversity emergencies be declared;
2. Consideration be given to how the Borough Council can strengthen local protection and enhance protection of species, habitats and ecosystems under available powers;
3. Services and operations be reviewed to ensure Tonbridge and Malling Borough Council has policies that support climate change mitigation, for example the provision of electric charging points across the borough, so that it is one of the most welcoming places in the country for driving electric and hybrid vehicles;
4. An initial report be made to the Cabinet setting out how, in partnership with other agencies, the Council will be making positive contributions to combat climate change and a revised draft Climate Change Strategy brought forward by May 2020 including deliverable performance indicators and an aspiration for Tonbridge and Malling to be carbon neutral by 2030.

C 19/62 LEADER'S ANNOUNCEMENTS

As this was the first full Council meeting since the local elections, the Leader welcomed the opportunity to record appreciation for the relatively smooth first few weeks for the newly elected Council. He had attended all the committee meetings, advisory boards and the majority of area planning committee meetings and had found the quality of scrutiny and debate to be of a high quality.

The Leader was pleased that the Motion on Climate Change had been adopted, so that crucially the Borough Council would review current activities for its contribution to improving the environment while considering additional measures.

Finance

Members were aware that in setting the budget for 2019/2020 in February, projections at that time suggested a funding gap between expenditure and income of circa £550,000. This 'gap' was translated into three savings and transformation contributions of £100,000, £400,000 and £50,000 to be achieved by the start of the year 2020/21, 2024/25 and 2028/29 respectively. Latest projections were that this had increased to over £600,000 highlighting why it was important to identify and implement opportunities to deliver at least this year's savings and transformation contribution of £100,000. The funding gap would undoubtedly change many times throughout the year and the challenge

sat alongside the cumulative savings of £2.5 million achieved since 2016 and the cumulative savings in excess of £4m achieved over the past 6-7 years.

The Leader advised that Cabinet recently reviewed both the Medium Term Financial Strategy (MTFS) and the Savings and Transformation Strategy (STS), with a view to identifying and considering opportunities for both income generation and savings in the medium term. The immediate task was to meet this year's saving tranche and the Overview and Scrutiny Committee had been tasked to review three areas: the community safety function, including CCTV provision and the role of the Community Safety Unit; Disabled Facilities Grants; and the Borough Council's Public Health Function.

As of 31 March 2019, the final collection rate for Council Tax, for the year 2018/19, was 98.91%; and for Business Rates, 99.42%. Once again, both of these collection rates were the highest in Kent.

The Borough Council had recently received two Geoplace Exemplar awards for local address data quality in 2019 and congratulations were extended to the officers in achieving this accolade. Both awards recognised quantifiable benefits to residents of the 'My Account' facility on the website. The judges also focussed on evidence of both savings delivered and collaboration across the Council for service delivery whilst meeting a clear user need.

Local Plan

Officers continued active dialogue with the Planning Inspectors regarding the submitted Local Plan and remained confident that all of the Inspectors' questions could be responded to. It was likely that there would be further engagement on some specific supplementary material over the summer and early autumn and as soon as this was agreed with the Inspectors Members would be updated.

Members were advised that a bid was made last November to the Government's Garden Communities Programme in respect of the proposed Borough Green Gardens Scheme that was included in the Local Plan. The outcome of a competitive bidding process was that Borough Green Gardens was one of 19 new garden villages announced in the programme.

This had resulted in an award of £150,000 to help fund the project and was a welcome acknowledgement of the opportunities that the new development would provide. While Borough Green Gardens could be delivered without any further financial assistance, the importance of the early delivery of the relief road and other important infrastructure had been emphasised throughout the plan making process. The Borough Council could now plan for the best possible development and looked forward to working with a range of partners to progress towards the

delivery of a sustainable community that benefited from high quality design and much needed investment in infrastructure, in a timely manner in parallel with the submitted Local Plan.

Waste Services Contract

The Leader reported that the new waste contract had started successfully and at future meetings of the Street Scene and Environment Services Advisory Board, Members would receive performance updates against a range of performance indicators.

Subscriptions for the garden waste service were going extremely well with over 9000 residents signed up already and represented 55% of the annual target. This uptake had been helped by some creative marketing overseen by the Member Working Group, the latest example of which was bin hangers on every resident's bin reminding them to not miss out on the early bird discount that would close on 2 August.

The Borough Council was getting closer to the start of the commencement of the new service arrangements on 30 September, and the delivery of the garden waste bins would start in a couple of weeks with the food waste caddies being delivered to every household in the Borough in August.

Before the new service started every resident would receive an information booklet through the post to explain the new arrangements and the website would continue to be updated.

Housing

The Council's work with partner councils and organisations to engage with rough sleepers continued and a total of £250,000 had been received from central government to fund pilot programmes. The Borough Council was also actively working on the options for a night shelter and in the coming months it was hoped to formally launch the Severe Weather Action Protocol, which was trialled last winter and already had many partners involved.

Economic Regeneration

The Borough Council had now adopted a new Economic Regeneration Strategy for the period 2019-2023. The Strategy set out a vision which aimed to: "Maximise the unique strengths of the local area to help create a resilient, dynamic and inclusive economy that fosters sustainable growth in the Borough."

In order to achieve this, a number of key objectives, each underpinned by a number of activities had been identified: Planning for economic growth; obtaining funding for key infrastructure; supporting skills and work-readiness among school students; creating an environment that

supported local business; helping the town centres to become resilient during a time of change; promoting tourism and supporting the rural economy.

The Leader was pleased to have hosted a business networking event in Tonbridge last Wednesday for a number of small business owners from across the Borough. Similar events had been held last year in Tonbridge, Snodland and Kings Hill and it was intended to have a rolling programme of similar events across the Borough.

Since formally launching the New Shopfront Improvement Grant Scheme to enhance the town and district centres at the end of March, a scheme supported by Business Rate Retention pilot, the Leader was pleased to report that 11 applications had now been approved equating to a total grant contribution of £29,000.

Members would have read that Hadlow College was placed in administration by the Secretary of State for Education and that West Kent and Ashford College was in financial difficulties. While this was an alarming position, both colleges remained open with no immediate impact on teaching staff and students.

The FE Commissioner had now invited expressions of interest for the management of both colleges which were currently being assessed and a decision as to the preferred bidder was expected within the next few weeks. The Chief Executive and the Leader had been invited by the FE Commissioner to speak to members of his team and make the case of the provision of further education in West Kent.

C 19/63 LARKFIELD LEISURE CENTRE CAPITAL SCHEMES 2019/20 - MECHANICAL, ELECTRICAL AND ROOFING WORK

Item CB 19/41 referred from Cabinet minutes of 5 June 2019.

RESOLVED: That the recommendations at Minute CB 19/41 be approved.

C 19/64 HUMAN RESOURCES STRATEGY UPDATE

Item GP 19/12 referred from General Purposes Committee minutes of 19 June 2019.

RESOLVED: That the recommendation at Minute GP 19/12 be approved.

C 19/65 APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to the report of the Director of Central Services regarding the reappointment of Mrs M Heslop and the appointment of Mr D Cure as nominated trustees of the Petley and Deakins Almshouse

Charity Tonbridge. It was suggested that one Trustee be (re)appointed for two years initially and the other for four years to stagger the terms to ensure there was no period without a Council representative.

In addition, consideration was given to the appointment of nominated trustees of the Board of the Hospital of the Holy Trinity, Aylesford for a four year term to July 2023.

RESOLVED: That

- (1) Mrs M Heslop be reappointed as a trustee of the Petley and Deakins Almshouse Charity for a period of two or four years;
- (2) Mr D Cure be appointed as a trustee of the Petley and Deakins Almshouse Charity for a period of two or four years; and
- (3) Councillors D Keers and C Williams be appointed as trustees to the Board of the Hospital of the Holy Trinity, Aylesford for a four year term

C 19/66 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 8.40 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 11th July, 2019

Present: Cllr D A S Davis (Chairman), Cllr M C Base (Vice-Chairman), Cllr Mrs S Bell, Cllr T Bishop, Cllr R I B Cannon, Cllr D J Cooper, Cllr R W Dalton, Cllr P M Hickmott, Cllr A P J Keeley, Cllr D Keers, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr Mrs A S Oakley, Cllr Mrs M Tatton, Cllr D Thornewell and Cllr C J Williams

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

Apologies for absence were received from Councillors Mrs T Dean, S M Hammond, A Kennedy and R V Roud

PART 1 - PUBLIC

AP3 19/19 DECLARATIONS OF INTEREST

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

AP3 19/20 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 6 June 2019 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 19/21 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 19/22 TM/19/00449/FL - DEVELOPMENT SITE NORTH OF VANTAGE POINT, HOLBOROUGH ROAD, SNODLAND

Erection of 4 no. warehouse units (Use Classes B1c/B2/B8) and 2 no. Drive-Thru units (Use Classes A3 and/or A5), together with the provision of parking, landscaping and associated works at Development Site North of Vantage Point, Holborough Road, Snodland.

APPLICATION WITHDRAWN FROM AGENDA**AP3 19/23 TM/18/03048/AO - GARDEN CENTRE REAR OF 400 HERMITAGE LANE, MAIDSTONE**

Outline Application: Redevelopment of existing garden furniture retail centre (with ancillary café) and commercial cattery and small pet boarding centre with 9 no. dwellings comprising 3 no. detached four bedroom houses and 6 no. semidetached three bedroom houses with associated alterations to existing access road, new garaging and parking facilities and surface water run off pond at Garden Centre rear of 400 Hermitage Lane, Maidstone.

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

9. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no doors or other means of enclosure shall be installed to the front elevation of the car ports.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards and enclosure of the car ports could reduce their use for vehicle parking.

PART 2 - PRIVATE**AP3 19/24 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.38 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 12th July, 2019

Present: Cllr D Keers (Chairman), Cllr Mrs P A Bates and Cllr D W King

Together with representatives of the Licensing Authority, Mr S Alam (the Applicant) and Mrs C Alam and Councillor N Stapleton on behalf of West Malling Parish Council.

PART 1 - PUBLIC

LAP 19/4 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 PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

**LAP 19/5 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
AT DESH, 68-70 HIGH STREET, WEST MALLING**

The Panel gave consideration to an application for the variation of a Premises Licence made by Mr S Alam, Director of Sofia May Limited, under section 34 of the Licensing Act 2003 in respect of premises at DESH, 68-70 High Street, West Malling. The application sought the removal of a restaurant condition preventing the sale of alcohol to people who were not eating in the restaurant.

The Panel gave careful consideration to the written report of the Director of Central Services and Deputy Chief Executive, the application set out at Annex 2 to the report and the written representation received during the statutory consultation period from West Malling Parish Council. The Panel was advised that no representations had been received from the Responsible Authorities and noted that the Police had agreed a number of conditions with the applicant which could be applied should the Panel decide to modify the licence.

In reaching its decision the Panel was mindful of the guidance dated April 2018 issued by the Secretary of State under s.182 of the Licensing Act 2003 and of the Council's Statement of Licensing Policy.

The Panel considered that there was insufficient information available at the Hearing to determine whether or not the application should be

granted and felt that item 7 of the proposed conditions agreed with Kent Police was clearly ambiguous. The Panel, therefore

RESOLVED: That consideration of the application be adjourned to a future meeting to allow clarification to be sought from Kent Police in relation to proposed condition 7 and from Kent County Council regarding the site boundary and the placement of tables and chairs outside of the premises.

Subsequent to the meeting the application was withdrawn by the applicant so a further hearing was not required.

LAP 19/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.59 am
having commenced at 10 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 29th July, 2019

Present: Cllr V M C Branson (Chairman), Cllr Mrs F A Kemp (Vice-Chairman), Cllr T Bishop, Cllr N Foyle, Cllr P M Hickmott, Cllr J R S Lark, Cllr L J O'Toole and Cllr K B Tanner

Councillors Mrs J A Anderson, N J Heslop, M A J Hood, D W King, D Lettington, M R Rhodes and J L Sergison were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor S A Hudson

PART 1 - PUBLIC

AU 19/27 DECLARATIONS OF INTEREST

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

AU 19/28 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 1 April 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

AU 19/29 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT FOR 2018/19

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 2018/19 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 2019 comprised £5m in property fund investment. A full list of investments held on 30 June 2019 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 2019 be endorsed; and

- (2) the 2018/19 outturn position be noted.

***Referred to Council**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

AU 19/30 RISK MANAGEMENT UPDATE

The report of the Management Team provided an update on the risk management process and the Strategic Risk Register.

Members were advised that, as part of the insurance package, funding had been 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. It was noted that the meeting of the Audit Committee on 1 October 2019 would be preceded by a training session to which all Members of the Council would be invited.

RESOLVED: That

- (1) the updates to the Strategic Risk Register since the last iteration be noted; and
- (2) the planned training session on risk management be noted.

AU 19/31 ANNUAL GOVERNANCE STATEMENT 2018/19

The report of the Management Team presented the Annual Governance Statement for the year ended 31 March 2019 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 2018/19.

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 2019, as set out at Annex 1 to the report, be endorsed.

**AU 19/32 STATEMENT OF ACCOUNTS 2018/19 AND EXTERNAL
AUDITOR'S REPORT ON OUTCOME OF AUDIT OF ACCOUNTS**

The report of the Director of Finance and Transformation presented an audited set of Accounts for 2018/19 in the format specified by the Code of Practice on Local Authority Accounting in the United Kingdom. The Annual Governance Statement (referred to at Minute AU 19/31) 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.

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) the audited set of Accounts for 2018/19 be received and the Chairman of the Audit Committee be authorised to sign the Accounts in the appropriate place;
- (3) the Audit Findings Report on the outcome of the audit of the Statement of Accounts for 2018/19, as set out at Annex 3 to the report, 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 to the report, when Grant Thornton are ready to issue their opinion.

AU 19/33 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 2018/19 was Satisfactory.

RESOLVED: That on the basis of the findings of the review, the opinion that the effectiveness of Internal Audit function for the year 2018/19 was Satisfactory be endorsed.

AU 19/34 ROLE OF AUDIT COMMITTEE AND TRAINING NEEDS

The report of the Director of Finance and Transformation outlined the role of the Audit Committee, its Terms of Reference and proposed training/briefings to assist Members in fulfilling the responsibilities placed on the Committee.

RESOLVED: That

- (1) the Terms of Reference of the Audit Committee be noted; and

- (2) the proposed training programme, as set out at section 1.2 of the report, be noted.

MATTERS SUBMITTED FOR INFORMATION

AU 19/35 OPINION OF CHIEF AUDIT EXECUTIVE ON INTERNAL CONTROL ENVIRONMENT AND ANNUAL INTERNAL AUDIT AND COUNTER FRAUD REPORTS FOR 2018/19

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 2018/19 to support that opinion. The report also informed the Committee of the work carried out by the Counter Fraud function in 2018/19.

RESOLVED: That the report be received and noted.

AU 19/36 AUDIT FEE LETTER 2019/20

The Director of Finance and Transformation reported receipt of the Audit Fee Letter for 2019/20 from Grant Thornton which gave details of the Council's audit fee of £35,248 (which was the same as that for 2018/19) together with the scope and timing of audit work and the audit team.

RESOLVED: That the report be received and noted.

AU 19/37 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 1 PLANNING COMMITTEE

Thursday, 1st August, 2019

Present: Cllr V M C Branson (Chairman), Cllr M D Boughton (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr J L Botten, Cllr G C Bridge, Cllr A E Clark, Cllr M O Davis, Cllr N Foyle, Cllr N J Heslop, Cllr M A J Hood, Cllr F A Hoskins, Cllr D W King, Cllr K King, Cllr M R Rhodes, Cllr H S Rogers, Cllr Miss G E Thomas and Cllr F G Tombolis.

Councillor D Lettington were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors J R S Lark and J L Sergison.

PART 1 - PUBLIC

AP1 19/21 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in application TM/19/01226/FL (land adjacent to The Hutchings, Leigh Road, Hildenborough) on the grounds of his status as partner of Warner Solicitors who had acted for the applicant. He withdrew from the meeting and took no part in the discussion on this agenda item.

AP1 19/22 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 30 May 2019 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)

AP1 19/23 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.

AP1 19/24 TM/19/01251/FL - ENGINEERING WORKS, DRAYTON ROAD, TONBRIDGE

Demolition of existing industrial unit and re-development of the site to provide 9 flats in a three storey building with associated communal garden at Engineering Works, Drayton Road, Tonbridge.

RESOLVED: That planning permission be GRANTED, subject to:

- (1) the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) with the local planning authority to make a financial contribution towards public open space;
- (2) the submitted details, conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health;
- (3) Amended Condition 10:

10. Notwithstanding the details provided by drawing number tr-1438-19LS, no above ground development shall take place until a full scheme of hard and soft landscaping across the site has been submitted to and approved by the Local Planning Authority. The scheme shall include full details of the size, species and location of all new planting. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

Reason: In the interests of visual amenity.

- (1) Additional Conditions:

11. Notwithstanding the details provided by drawing number tr-1438-19LS, no above ground development shall take place until a full scheme of boundary treatments to be installed across the site has been submitted to and approved by the Local Planning Authority. The scheme shall include details of the type and height of all such boundary treatments along with any associated regime for ongoing maintenance. Any boundary fences or walls or similar structures shall be erected before first occupation of the building hereby approved and shall be retained and maintained in accordance with the approved details in perpetuity.

Reason: In the interests of visual and residential amenity.

12. No above ground development shall take place until a scheme for the storage, screening and securing of the cycle store has been submitted to and approved by the Local Planning Authority. The cycle store shall thereafter be provided in accordance with the approved details prior to the first occupation of the development hereby approved and shall be retained at all times thereafter.

Reason: In order to ensure adequate provision of cycle storage to serve the development.

13. No external lighting shall be installed until full details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and retained at all times thereafter.

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

(5) Additional Informatives:

8. Pursuant to Condition 7, the applicant is advised to enter into early negotiations with the Local Planning Authority to ensure the precise palette of materials and associated means of external decoration across the development is acceptable.

9. Pursuant to Conditions 10 and 11, the application is advised that the detailed means of landscaping and boundary treatments should include provision for appropriately sized specimens.

10. The applicant is encouraged to consider opportunities for incorporating renewable energy technologies into the south facing roof slope of the building and for measures to support biodiversity within the construction of the building.

[Speakers: Jack Ciupka – member of the public; Lucy Harvey – agent]

AP1 19/25 TM/19/01226/FL - LAND ADJACENT TO THE HUTCHINGS, LEIGH ROAD, HILDENBOROUGH

Proposed dwelling at land adjacent to The Hutchings, Leigh Road, Hildenborough.

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: Margaret Coles – Hildenborough Parish Council; Ryan Bayliss – applicant and Andrew Boakes – agent]

AP1 19/26 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.05 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 14th August, 2019

Present: Cllr H S Rogers (Chairman), Cllr B J Luker (Vice-Chairman), Cllr Mrs J A Anderson, Cllr R P Betts, Cllr C Brown, Cllr S A Hudson, Cllr Mrs F A Kemp, Cllr Mrs C B Langridge, Cllr P J Montague, Cllr W E Palmer, Cllr J L Sergison, Cllr T B Shaw, Cllr N G Stapleton, Cllr K B Tanner and Cllr M Taylor

Apologies for absence were received from Councillors M A Coffin and L J O'Toole

PART 1 - PUBLIC

AP2 19/35 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. For reasons of transparency and with regard to application TM/17/01793/FL Councillors W Palmer and M Taylor advised that they were members of the TMBC District branch of the Council for the Protection of Rural England which had raised objections to the application.

AP2 19/36 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 3 July 2019 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 19/37 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 19/38 TM/17/01793/FL - ROSADOR, LONDON ROAD, WROTHAM

Demolition of the residential bungalow and the erection of 5x B1/B8 units and a 2 storey office building with new estate road and associated parking at Rosador, London Road, Wrotham.

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

1. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined by the National Planning Policy Framework 2019. The proposed development would result in a significant increase in floorspace, height and bulk when compared to that of the existing building, amounting to inappropriate development and also having a greater impact on the openness of the Green Belt. The Local Planning Authority does not consider that there are any very special circumstances in this case that would clearly outweigh the harms identified and the proposal is therefore contrary to the requirements of paragraphs 143, 144 and 145 of the National Planning Policy Framework 2019 and policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.

[Speakers: Wrotham Parish Council (Mr H Rayner), Mr P Gillin (CPRE TMBC District) and Mr P Nicholls – Agent to the applicant]

AP2 19/39 TM/19/01024/FL - 41 WESTERN ROAD, BOROUGH GREEN

Demolition of existing single family dwelling and construction of new building with 4 apartments (3 No 1 bed/2 person and 1 No 2 bed/4 person) together with associated amenity areas, parking, refuse and cycle stores at 41 Western Road, Borough Green.

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

(1) the amendment of Condition 4 to read:-

4. Prior to the commencement of the development hereby approved, arrangements for the management of all demolition and construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the demolition and construction works will be limited to and measures to ensure these are adhered to;

- Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of residential amenity and highway safety in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

(2) the addition of Condition 7:

7. No development, other than demolition of the existing house, shall take place until details of the finished floor level of the approved building in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

(3) the addition of Informatives

2. The applicant is advised that the use of bonfires during the demolition and construction phase of development could lead to justifiable complaints from local residents. Furthermore, the disposal of demolition waste by incineration is contrary to Waste Management Legislation. As such, bonfires should not be had at the site during demolition or construction.

3. The applicant is asked that in preparing the demolition and construction management plan pursuant to Condition 4, due regard and sensitivity is given to the use of the adjacent site as a Funeral Directors and that all reasonable steps are taken to ensure that disturbance does not arise.

[Speakers: Borough Green Parish Council (Mr S Perry) and Mr M Betts – Agent]

AP2 19/40 TM/18/01240/FL - WOODFORD, OLD LANE, IGHTHAM

Section 73 application for the variation of conditions 1 (time limited and personal condition), 2 (restore site when temporary consent expires) and 4 (number of caravans) pursuant to planning permission TM/11/01444/FL (Variation of conditions 1 and 2 of TM/07/01238/FL: Change of use for stationing of two caravans for residential use, fencing and sheds for occupation by a single gypsy family) at Woodford, Old Lane, Ightham.

Further to Minute AP2 19/32 of the meeting held on 3 July 2018 the Committee considered the above application together with the report of the Director of Central Services set out in Part 2 of the agenda (Minute AP2 19/42 refers). The recommendation set out in the report of the Director of Planning, Housing and Environmental Health to approve the planning application was rejected and it was

RESOLVED: That the application stand ADJOURNED for determination by the full Council in accordance with Rule 15.25 of the Council and Committee Procedure Rules.

[Speakers: Ightham Parish Council (P Cracknell); J Miles, S Russell and L Sinclair – members of the public and Mr B Moore on behalf of the applicant]

AP2 19/41 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

AP2 19/42 TM/18/01240/FL - WOODFORD, OLD LANE, IGHTHAM

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

At the meeting of the Area 2 Planning Committee held on 3 July 2019 consideration of the application was deferred for a report from Legal Services on the risks arising from refusal of the planning application (Minute AP2 19/32 refers). The report of the Director of Central Services and Monitoring Officer provided an assessment of the risks arising from a resolution to refuse planning permission and advised that any such resolution would be a recommendation to the Council and the matter

would stand adjourned. The report further advised that similar consideration would apply in the event of non-determination.

RESOLVED: That the report be NOTED.

The meeting ended at 10.32 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 29th August, 2019

Present: Cllr J L Sergison (Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr Mrs J A Anderson, Cllr J L Botten, Cllr M D Boughton, Cllr R W Dalton, Cllr M A J Hood, Cllr D Keers and Cllr D Thornewell

Councillors Mrs P A Bates, V M C Branson, A E Clark, N J Heslop, D W King, D Lettington, P J Montague, W E Palmer and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs A S Oakley (Vice-Chairman), M C Base, T Bishop, M O Davis, H S Rogers, M Taylor and Miss G E Thomas

PART 1 - PUBLIC

OS 19/19 DECLARATIONS OF INTEREST

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

OS 19/20 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 20 June 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

OS 19/21 PROPOSED SCHEME OF CO-OPTION

The report of the Chief Executive set out details of a revised scheme for the co-option of individuals and organisations to the Committee to assist with the scrutiny process in accordance with recently published Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.

RECOMMENDED: That the Borough Council's proposed Scheme of Co-Option, as set out at section 1.2 to the report, be endorsed. ◀

***Referred to Council**

DECISIONS TAKEN BY THE COMMITTEE**OS 19/22 REVIEW OF THE COUNCIL'S PUBLIC HEALTH FUNCTION - SCOPING REPORT**

The report of the Director of Planning, Housing and Environmental Health outlined a review of the Council's Public Health function with particular reference to the One You Kent Service, the resources available from Kent County Council, within the Council and from partnership arrangements in West Kent. The report identified a number of options for consideration in the review. Members requested that the Director of Public Health at Kent County Council, a representative of local GPs and a member of the One You Kent team be invited to attend the meeting of the Committee on 5 December of assist in the consideration of the delivery of public health services.

RESOLVED: That the content of the report be noted and a further report be submitted to the meeting of the Committee on 5 December 2019 regarding the options set out at section 1.9 of the report.

MATTERS SUBMITTED FOR INFORMATION**OS 19/23 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN - ANNUAL REVIEW LETTER**

The report of the Chief Executive set out the annual report of the Local Government and Social Care Ombudsman regarding formal complaints made against the Council over the period for 2018/19.

RESOLVED: That the report be received and noted

MATTERS FOR CONSIDERATION IN PRIVATE**OS 19/24 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE**MATTERS FOR RECOMMENDATION TO THE CABINET****OS 19/25 GIBSON BUILDING REVIEW - UPDATE**

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

The report of the Director of Central Services and Deputy Chief Executive provided an update on discussions held with Kent County Council following the review of the Council's offices at Gibson Drive, Kings Hill undertaken in 2018.

RECOMMENDED: That

- (1) a formal response be sent to Kent County Council declining their proposal as being financially unviable; and
- (2) Officers continue to pursue opportunities to maximise the rental income from third parties for occupation and use of the Gibson Building.

DECISIONS TAKEN BY THE COMMITTEE**OS 19/26 REVIEW OF COMMUNITY SAFETY - SCOPING REPORT**

(Reasons: LGA 1972 Sch 12A Paragraph 7 – Prevention, investigation or prosecution of criminal offences)

The joint report of the Director of Central Services and Deputy Chief Executive and the Director of Street Scene, Leisure and Technical Services set out in detail the basis for the review of community safety, including CCTV provision and the role of the Community Safety Unit.

RESOLVED: That the contents of the report be noted and a further report be made to the meeting of the Committee to be held on 10 October 2019 regarding the options identified at section 1.9 of the report.

The meeting ended at 8.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 12th September, 2019

Present: Cllr V M C Branson (Chairman), Cllr M D Boughton (Vice-Chairman), Cllr G C Bridge, Cllr A E Clark, Cllr N Foyle, Cllr N J Heslop, Cllr M A J Hood, Cllr F A Hoskins, Cllr D W King, Cllr K King, Cllr J R S Lark, Cllr M R Rhodes, Cllr J L Sergison, Cllr Miss G E Thomas and Cllr F G Tombolis.

Apologies for absence were received from Councillors Mrs J A Anderson, Mrs P A Bates, J L Botten and M O Davis.

PART 1 - PUBLIC

AP1 19/27 DECLARATIONS OF INTEREST

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

AP1 19/28 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 1 August 2019 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)

AP1 19/29 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 19/30 TM/19/01632/FL - DEVELOPMENT SITE, SOUTH PART OF WEST KENT COLLEGE, BROOK STREET, TONBRIDGE

Demolition of existing buildings and development of 51 dwellings along with associated vehicular and pedestrian access, car parking and

landscaping at development site, south part of West Kent College, Brook Street, Tonbridge.

RESOLVED: That planning permission be GRANTED, subject to

- (1) The applicant and West Kent College entering in to a planning obligation with the Borough Council to agree to undertake measures set out in the Travel Plan;
- (2) The applicant entering into a planning obligation with the Borough Council to make financial contributions towards the enhancement of existing open spaces within the local area;
- (3) The applicant entering into a planning obligation with Kent County Council to make financial contributions towards the enhancement of Judd School, local library provision and adult education services;
- (4) The submitted details, conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health;
- (5) The amended conditions set out in the supplementary report of the Director of Planning, Housing and Environmental Health (set out below);

15. 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 in respect of the dwellings within plots 1-8 inclusive shall be carried out within Classes A,B,C or E of Part 1: of Schedule 2 of that Order

Reason: In order to protect the residential amenity of the neighbouring residential properties.

17. The development shall be undertaken in accordance with the details shown on the following drawings:

Sections 2675.1-A-1011-A received 10.07.2019, Sections 2675.1-A-1012-A received 10.07.2019, Existing Plans and Elevations 2675.1-A-1100-A Nursery received 10.07.2019, Existing Plans and Elevations 2675.1-A-1101-A Oaks building received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3000-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3005-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3010-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3015-B received 10.07.2019, Proposed Floor Plans 2675.1-A-3700-B received 10.07.2019, Proposed Elevations 2675.1-A-3701-A received 10.07.2019,

Site Layout 2675.1-A-1005-J received 18.07.2019, Sections 2675.1-C-1210.1-PL-A received 10.07.2019, Street Scenes 2675.1-C-1211-PL-A received 10.07.2019, Street Scenes 2675.1-C-1212-PL-A received 10.07.2019, Sections 2675.1-C-1213-PL-G received 18.07.2019, Section 2675.1-C-1216-PL-A received 10.07.2019, Site Layout 26751A1004A received 10.07.2019, Plan 26751A1006A Separation distance received 10.07.2019, Section 26751A1010A Existing received 10.07.2019, Proposed Elevations 2675.1-A-3702-A received 12.07.2019, Tree Protection Plan ASH21697-03C SHEET 1 OF 2 received 16.07.2019, Tree Protection Plan ASH21697-03C SHEET 2 OF 2 received 16.07.2019, Landscape Layout 1534/001 M received 18.07.2019, Plan 2675.1-A-1005.1-E Site Analysis received 18.07.2019, Location Plan 2675.1-A-1000-A received 10.07.2019

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

(6) The following additional Condition:

18. No above ground works shall take place save for the works to Dame Kelly Holmes Way as detailed on Drawing 2017/4089/004 Rev E Proposed Access Arrangements (contained within the Transport Assessment) until details of external lighting within the development have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be installed in accordance with the approved scheme prior to the first occupation of any dwelling within the development hereby permitted.

Reason: To ensure that appropriate lighting is provided as an integral part of the development in the interests of amenity.

[Speakers: Tracy Puttock, applicant and Simon Moon, agent who shared the speaking time allocation]

AP1 19/31 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 20th September, 2019

Present: Cllr R V Roud (Chairman), Cllr A E Clark and Cllr Mrs F A Kemp

Together with representatives of the Licensing Authority, the applicants for the review, representatives of the licensed premises and other interested parties. Councillor C J Williams was also present as an observer and local Ward member.

PART 1 - PUBLIC

LAP 19/7 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 PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

LAP 19/8 APPLICATION FOR A REVIEW OF A CLUB PREMISES CERTIFICATE AT AYLESFORD VILLAGE CLUB, 57 ROCHESTER ROAD, AYLESFORD

The Panel gave consideration to an application for the review of a club premises certificate in respect of the premises known as Aylesford Village Club, 57 Rochester Road, Aylesford which had been made under section 87 of the Licensing Act 2003.

The Panel gave careful consideration to the written report of the Director of Central Services and Deputy Chief Executive, together with the application and written representations received during the statutory consultation period. It also considered the oral representations made to it by the applicant and other interested parties during the Hearing.

The Panel was mindful of its obligations under section 88(3) of the Licensing Act 2003, which stated that, having regard to the application and representations, the Licensing Authority must take such steps set out in section 88(4) as it considers appropriate for the promotion of the licensing objectives. The Panel also had particular regard to the provisions 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 there had been unacceptable nuisance at the premises and that the club premises certificate should be suspended

for a period of one calendar month. The Panel stated that during the period of suspension the Committee, Trustees and Staff of the Aylesford Village Club were expected to:

1. Fully understand the conditions of the certificate and to have training and plan how they would comply with those conditions; and
2. Review the rules and regulations of the Aylesford Village Club to ensure they fully comply with the licensing regulations and to plan how those rules would be fully complied with by both members and guests.

The Panel pointed out to the management of the Aylesford Village Club that the consumption of alcohol purchased on the premises and consumed outside of the licensed premises in breach of the mandatory conditions was an offence under the Licensing Act 2003. The Panel decided that the sale of alcohol for consumption off the premises should, therefore, be excluded from the club premises certificate.

Finally, with regard to the burning of refuse, the Panel advised that while this issue was not within its remit it fully understood residents' concerns. It suggested that residents should continue to notify the Environmental Health service about any concerns regarding noise nuisance and any other public nuisance. The Panel encouraged Aylesford Village Club to liaise with the Council about the most appropriate way to dispose of waste.

The Panel, therefore,

RESOLVED: That the Club Premises Certificate for Aylesford Village Club be suspended for a period of one calendar month and that the following conditions be applied:-

1. The sale of alcohol for consumption off the premises be excluded from the club premises certificate;
2. Before the end of the period of suspension, the Licensing team of Tonbridge and Malling Borough Council be supplied with the revised Aylesford Village Club rules and shown evidence that effective staff training had taken place;
3. All doors and windows to be kept closed at all times except for access and egress; and
4. The Challenge 25 policy be implemented and a 'refusals log' kept.

LAP 19/9 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 2.02 pm
having commenced at 10.15 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Tuesday, 1st October, 2019

Present: Cllr V M C Branson (Chairman), Cllr Mrs F A Kemp (Vice-Chairman), Cllr T Bishop, Cllr J R S Lark and Cllr K B Tanner

Grant Thornton, External Auditors: Mr P Dossett (Director) and Mr A Ayre (Manager)

Councillors M A J Hood, F A Hoskins, Mrs A S Oakley, M R Rhodes, J L Sergison and Mrs M Tatton were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors N Foyle, S A Hudson and L J O'Toole

PART 1 - PUBLIC

AU 19/38 DECLARATIONS OF INTEREST

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

AU 19/39 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 29 July 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

AU 19/40 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW 2019/20

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during the period April to August 2019. It also included a mid-year review of the Treasury Management and Annual Investment Strategy for 2019/20.

RESOLVED: That the Cabinet be recommended to

- (1) endorse the action taken by officers in respect of treasury management activity for April to August 2019; and
- (2) retain the existing parameters intended to limit the Council's exposure to investment risks.

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

AU 19/41 RISK MANAGEMENT

The report of the Management Team provided an update on the risk management process and the Strategic Risk Register.

RESOLVED: That the updates to the Strategic Risk Register since the last iteration be noted.

MATTERS SUBMITTED FOR INFORMATION

AU 19/42 INTERNAL AUDIT AND COUNTER FRAUD UPDATE

The report of the Chief Audit Executive provided an update on the work of the Internal Audit and the Counter Fraud functions for the period April to August 2019.

RESOLVED: That the report be received and noted.

AU 19/43 ANNUAL AUDIT LETTER

The report of the Director of Finance and Transformation set out details of the Annual Audit letter for the year ended 31 March 2019.

RESOLVED: That the report be received and noted.

AU 19/44 GRANT THORNTON PROGRESS REPORT AND SECTOR UPDATE

The report of the Director of Finance and Transformation provided an update from the 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 19/45 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.

PART 2 - PRIVATE**MATTERS SUBMITTED FOR INFORMATION****AU 19/46 INSURANCE CLAIMS HISTORY**

(LGA 1972 Sch 12A Paragraph 3 – Financial and 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 2019 to August 2019.

RESOLVED: That the report be received and noted

The meeting ended at 8.50 pm
having commenced at 8.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 3rd October, 2019

Present: Cllr D A S Davis (Chairman), Cllr Mrs S Bell, Cllr T Bishop, Cllr R I B Cannon, Cllr D J Cooper, Cllr R W Dalton, Cllr Mrs T Dean, Cllr S M Hammond, Cllr P M Hickmott, Cllr A P J Keeley, Cllr A Kennedy, Cllr D Lettington, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr Mrs M Tatton and Cllr C J Williams.

Councillors N J Heslop, S A Hudson, N G Stapleton and K B Tanner were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base (Vice-Chairman), D Keers, Mrs R F Lettington and D Thornewell

PART 1 - PUBLIC

AP3 19/25 DECLARATIONS OF INTEREST

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

AP3 19/26 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 11 July 2019 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 19/27 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 19/28 TM/19/00786/FL - THE OAST HOUSE, HOLLOW LANE, SNODLAND

Partial demolition of existing vacant building, change of use of remaining floorspace and erection of new single storey extension for mixed restaurant and hot food takeaway (mixed A3/A5) use, incorporating a 'drive-thru' lane, creation of new vehicular access and egress point from Hollow Lane, provision of car and cycle parking, plant and extraction system, landscaping at The Oast House, Hollow Lane, Snodland.

RESOLVED: That the application be DEFERRED to enable Kent County Council Highways to review submission and provide further technical advice.

[Speakers: John Price, David Rayner, Lea West and Anick West – members of the public and Adam Beamish/Laura Fitzgerald – Agent/Transport Consultant]

AP3 19/29 TM/19/00449/FL - DEVELOPMENT SITE NORTH OF VANTAGE POINT, HOLBOROUGH ROAD, SNODLAND

Erection of 4 no. warehouse units (Use Classes B1c/B2/B8) and 2 no. Drive-Thru units (Use Classes A3 and/or A5), together with the provision of parking, landscaping and associated works at development site north of Vantage Point, Holborough Road, Snodland.

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. The use of the two A3/5 units labelled 'Drive Thru 1' and 'Drive Thru 2' on plan no. S059/3002 pl4 shall not commence until full details of a Litter Management Scheme for those units have been submitted to and approved in writing by the Local Planning Authority. The agreed Management Scheme shall be implemented and retained at all times.

Reason: In the interest of general amenity.

(2) Additional Informative:

2. As part of the Litter Management Scheme, the applicant is encouraged to liaise with the Town Council and neighbours regarding managing litter.

[Speakers: Lea West – member of the public and Ben Shaw – agent]

AP3 19/30 TM/19/01532/FL - 3 GILLETTS LANE, EAST MALLING

Change of Use from dwelling house (Class C3) to a Wellness Centre (Class C2) at 3 Gilletts Lane, 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.

[Speakers: John Wheeler, Chris Pottle and Mrs Smith – members of the public and Shane Creedon – applicant]

[Note: Councillor Dalton withdrew from the meeting during discussion of this item as one of the speakers was known to him in a professional capacity. It was noted that this connection did not represent either a Disclosable Pecuniary Interest or an Other Significant Interest]

PART 2 - PRIVATE**AP3 19/31 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Tuesday, 8th October, 2019

Present: Cllr Mrs F A Kemp (Chairman), Cllr L J O'Toole (Vice-Chairman), Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr M A Coffin, Cllr D J Cooper, Cllr D A S Davis, Cllr M A J Hood, Cllr K King, Cllr B J Luker, Cllr W E Palmer, Cllr N G Stapleton and Cllr Mrs M Tatton

Councillors Mrs J A Anderson, N J Heslop, Mrs A S Oakley, 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 M D Boughton

PART 1 - PUBLIC

GP 19/16 DECLARATIONS OF INTEREST

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

GP 19/17 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 19 June 2019 be approved as a correct record and signed by the Chairman subject to the amendment of Minute GP 19/13 (1) by the insertion of a semi-colon and the word "and" after "Area Planning Committees".

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 19/18 DISCLOSURE AND BARRING SERVICE POLICY AND PROCEDURE

The report of the Director of Central Services referred to a review by Internal Audit of the Council's safeguarding procedures which resulted in a recommendation to adopt a standalone policy on ensuring that staff had the relevant level of DBS check. A new Disclosure and Barring Service (DBS) Policy was accordingly presented for consideration. This defined the different types of disclosure and regulated activity against which all posts must be considered and a full list of Council posts requiring a DBS check was set out in Annex 2 to the report.

RECOMMENDED: That the new DBS Policy, as set out at Annex 1 to the report, be adopted as a standalone policy separate from the Safeguarding Policy.

***Referred to Council**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

GP 19/19 AMENDMENTS TO HUMAN RESOURCES POLICIES AND PROCEDURES

The report of the Director of Central Services gave details of proposed changes to a number of Human Resources policies and procedures which had arisen from the regular review of policies and took account of various issues that had emerged in the past few months. It was noted that the changes had been considered by the Management Team and Joint Employee Consultative Committee.

RESOLVED: That the amendments to the following policies and procedures set out in paragraphs 1.1.2 to 1.1.7 of the report be endorsed:

Reorganisation, Redundancy and Redeployment Procedure
Recruitment and Selection Policy, Procedure and Guidance
Sickness Absence Policy and Procedures
Flexible Retirement Policy
Flexible Working and Time-Off Policy
Guidance regarding Automatic Termination of Casual Working Arrangements.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 19/20 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 19/21 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.

It was noted that this was the last meeting of the Committee to be attended by Charlie Steel, Personnel Manager, prior to his retirement and Members' thanks were recorded for his contribution to the Council over many years.

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

- (1) post DG0008, Administration Manager 37 hours per week be regraded from M8 to M7 with immediate effect;
- (2) the post of Leisure Services Officer be permanently established at 37 hours on a Senior Officer grade with effect from 1 October 2019;
- (3) post DJ0162 Principal Planning Officer, 37 hours per week, M8 be deleted with immediate effect;
- (4) two full time Higher Level Planning Apprenticeship posts scale 3/4 be established with immediate effect;
- (5) the hours attached to post DJ0158, Technical Officer scale 3/4 be increased from 24 to 25.5 hours per week with immediate effect;
- (6) the hours of post DJ0156 Technical Officer, scale 3/4 be reduced from 33.5 to 32 hours per week with immediate effect;
- (7) post DB0306, Senior Customer Services Advisor, scale 3/4 20.5 hours per week be deleted with immediate effect;
- (8) post DB0307, Senior Customer Services Advisor, scale 2/3 16.5 hours per week be deleted with immediate effect;
- (9) post DB0308 Customer Services Advisor scale 2/3 25.5 hours per week be re-designated and re-graded Senior Customer Services Advisor, scale 3/4, and the hours attached to this post be increased to 26 per week with immediate effect;
- (10) the hours attached to post DB0309 Customer Services Advisor scale 2/3 be increased from 17.5 to 23 per week with immediate effect;
- (11) post DB0399 Customer Services Assistant scale 1/2 be re-designated Customer Services Advisor, regraded 2/3, and the hours attached to this post be increased from 8 to 12 per week with immediate effect;

- (12) post DA1001 Building & Facilities Manager M6, 3 days per week be deleted with immediate effect;
- (13) post DA0216 Administration Officer scale 2/3, 21 hours per week be deleted with immediate effect;
- (14) the hours attached to post DA0218, Administration Officer scale 3/4 be increased from 28 to 32 with immediate effect;
- (15) post DA1102 Corporate Support Manager 37 hours per week, M7 be deleted with immediate effect;
- (16) a new post of Head of Buildings, Facilities and Administration Services, M6, 37 hours per week be created with immediate effect;
- (17) a new post of Property Services Officer scale 6/SO, 37 hours per week be created with immediate effect;
- (18) the saving of £9,709 arising from the structural changes in the Building and Estates, and Administration Teams in Central Services, be ring-fenced pending further reviews of these services;
- (19) post DB0002 Personnel Manager M6 15 hours per week be deleted with effect from 1 January 2020;
- (20) post DB0006 be re-designated Senior HR Advisor and re-graded M8 with effect from 1 January 2020;
- (21) post DB0201 Personnel and Development Manager be re-designated HR and Development Manager with effect from 1 January 2020;
- (22) the residual balance of the savings arising from the deletion of post DB0002 be ring fenced pending a further review of the Personnel (HR) service;
- (23) post DF0901 Revenue and Benefits Manager M5 18.5 hours per week be deleted with immediate effect;
- (24) post DF0902 Principal Revenue Officer M8/M7 37 hours per week be deleted with immediate effect;
- (25) post DF0501 Principal Benefits Officer M8/M7 37 hours per week be deleted with immediate effect;
- (26) a post of Revenues Manager M6 37 hours per week be created with immediate effect;

- (27) a post of Benefits and Welfare Manager M6 37 hours per week be created with immediate effect;
- (28) post DF0531 Revenue and Benefits Business Support Manager M8 37 hours per week be regraded M8/M7 with immediate effect; and
- (29) the residual sum of £3,736 arising from the re-structure of the managerial hierarchy in the Revenues and Benefits Teams be ring-fenced pending the next phase of the review of these services.

The meeting ended at 8.03 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 10th October, 2019

Present: Cllr J L Sergison (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr T Bishop, Cllr C Brown, Cllr R W Dalton, Cllr M O Davis, Cllr M A J Hood, Cllr A P J Keeley, Cllr H S Rogers, Cllr M Taylor and Cllr Miss G E Thomas

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

Apologies for absence were received from Councillors J L Botten, M D Boughton and D Keers

PART 1 - PUBLIC

OS 19/27 DECLARATIONS OF INTEREST

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

OS 19/28 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 29 August 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 19/29 REVIEW OF COMMUNITY SAFETY

The joint report of the Director of Central Services and the Director of Street Scene, Leisure and Technical Services set out a number of options for consideration regarding a review of community safety and the provision of CCTV.

Representatives from Kent Police and Clarion Housing attended the meeting and gave examples of partnership working to demonstrate the value of the Community Safety Unit (CSU) and CCTV in addressing crime and disorder. Members discussed the value of 'live' monitoring as opposed to 'passive' monitoring, the potential for new technologies to monitor in a different way and the financial and value for money implications of retaining the operation. The role of the CSU in addressing crime and disorder was also discussed.

RECOMMENDED: That, in respect of CCTV:

- (1) the operation be retained at its current level; and
- (2) the Borough Council write to the Kent Police and Crime Commissioner and the Chief Executive of Clarion Housing Group regarding the level of financial contribution towards the operation of CCTV.

***Referred to Cabinet**

RECOMMENDED: That, in respect of the Community Safety Partnership:

- (1) growth to the Borough Council's budget be accepted and the provision of the Community Safety Services be retained at the current level of resource; and
- (2) the Borough Council write to the Kent Police and Crime Commissioner and the Chief Executive of Clarion Housing Group regarding the level of financial contribution and general support towards the operation of the Community Safety Unit.

***Referred to Cabinet**

DECISIONS TAKEN BY THE COMMITTEE

OS 19/30 REVIEW OF DISABLED FACILITIES GRANTS - SCOPING REPORT

The report of the Director of Planning, Housing and Environmental Health provided background information on the Borough Council's Disabled Facilities Grants programme and the wider Better Care Fund.

Options for inclusion in the review of the service were also set out for consideration. Further information on whether cost recovery of grants could be applied to housing associations, more detail on the specific areas of the discretionary and mandatory disabled facilities grants and more detail from Kent County Council regarding 'top slicing' were also identified for inclusion in the review. It was hoped that this further information would provide better context for the benefit of decision making.

Members suggested that representatives from the West Kent Clinical Commissioning Group (CCG), the Peabody Home Improvement Agency, Clarion Housing Group and Age UK should be invited to the next meeting of the Committee to participate in the discussion.

RESOLVED: That:

- (1) the content of the report be noted; and
- (2) a further report be submitted to the meeting of the Committee on 21 January 2020 regarding the options identified in section 1.10 of the report, and including the additional options identified by the Committee (summarised above).

MATTERS FOR CONSIDERATION IN PRIVATE

OS 19/31 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

PART 2 - PRIVATE

MATTERS FOR INFORMATION

OS 19/32 REVIEW OF COMMUNITY SAFETY - SCOPING REPORT OF 29 AUGUST 2019

(Reason - LGA 1972 - Sch 12A Paragraph 7 – Prevention, investigation or prosecution of criminal offences)

The scoping report of the Director of Central Services and the Director of Street Scene Leisure and Technical Services dated 29 August 2019 was attached for information and noted by Members.

The meeting ended at 9.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Wednesday, 16th October, 2019

Present: Cllr N J Heslop (Chairman), Cllr R P Betts, Cllr M A Coffin, Cllr D Lettington, Cllr P J Montague and Cllr M R Rhodes

Councillors Mrs J A Anderson, M D Boughton, M A J Hood, F A Hoskins, J R S Lark, Mrs A S Oakley, W E Palmer, H S Rogers and J L Sergison were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 19/54 DECLARATIONS OF INTEREST

Councillor N Heslop declared an Other Significant Interest in the item regarding Tonbridge Castle Concessionary Users on the grounds of being a member of the Board of the Bridge Trust. He withdrew from the meeting during its consideration and Councillor M Coffin took the Chair.

CB 19/55 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 25 June 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 19/56 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW 2019/20

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during the period April to August 2019. Members were invited to endorse the action taken by officers in respect of treasury management activity to date and retain the current risk parameters. It was noted that the report had also been considered by the Audit Committee at its meeting on 1 October 2019 and the action commended for endorsement.

RECOMMENDED: That

- (1) the action taken by officers in respect of treasury management activity for the period April to August 2019 be endorsed; and
- (2) the existing parameters intended to limit the Council's exposure to investment risks be retained.

***Referred to Council**

CB 19/57 LARKFIELD LEISURE CENTRE MECHANICAL, ELECTRICAL AND ROOFING WORKS CAPITAL SCHEME - VIREMENT

Further to Minutes CB 19/41 and C 19/63, the joint report of the Director of Finance and Transformation and Director of Central Services gave an update on the budget requirements for the mechanical, electrical and roofing work capital scheme at Larkfield Leisure Centre in the light of revised figures for the estimated loss of income claim and capital costs during the lead up to the commencement of the works. It was accordingly proposed that a virement of £230,000 between the relevant revenue and capital budgets be approved.

RECOMMENDED: That a virement of £230,000 between the appropriate revenue and capital budgets in respect of the major programme of works at Larkfield Leisure Centre, as set out in the report, be approved by the Council.

***Referred to Council**

CB 19/58 REVIEW OF COMMUNITY SAFETY

Consideration was given to the report of the Director of Central Services regarding the outcome of a review of Community Safety including CCTV provision undertaken by the Overview and Scrutiny Committee at its meeting of 10 October 2019. It was considered that a response be obtained from the Police and Crime Commissioner and Clarion Housing Group before taking a decision on the future of CCTV provision.

RECOMMENDED: That

(A) in respect of CCTV:

- (1) a decision regarding the level of operation be deferred pending a response to the approach below; and
- (2) the Borough Council write to the Kent Police and Crime Commissioner and the Chief Executive of Clarion Housing Group regarding the level of financial contribution towards the operation of CCTV.

(B) in respect of the Community Safety Partnership:

- (1) growth to the Borough Council's budget for 2019/20 and 2020/21 be accepted and the provision of the Community Safety Services be retained at the current level of resource; and
- (2) the Borough Council write to the Kent Police and Crime Commissioner and the Chief Executive of Clarion Housing Group regarding the level of financial contribution and

general support towards the operation of the Community Safety Unit.

***Referred to Council**

CB 19/59 IT STRATEGY AND DIGITAL STRATEGY UPDATE

Item FIP 19/22 referred from Finance, Innovation and Property Advisory Board minutes of 17 July 2019

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 17 July 2019 regarding the adoption of a draft Digital Strategy and purchase of mobile working software.

RECOMMENDED: That

- (1) the draft Digital Strategy 2019 – 2023 be adopted;
- (2) the decision taken in liaison with the Members indicated in the report to proceed with the purchase of mobile working software funded from the Invest to Save Reserve be noted;
- (3) the Council be recommended to update the Capital Plan to include the mobile working software;
- (4) the progress in respect of the website review be noted; and
- (5) the need for all Members to undertake cyber security training be noted.

***Referred to Council**

CB 19/60 DISABLED FACILITIES GRANT BUDGET 2019-20

Item CH 19/29 referred from Communities and Housing Advisory Board minutes of 23 July 2019

The Cabinet received the recommendations of the Communities and Housing Advisory Board at its meeting of 23 July 2019 regarding the proposed allocation of Disabled Facilities Grant funding available in 2019/20.

RECOMMENDED: That the proposed allocation of funding available in 2019/20, as set out at paragraph 1.2.1 of the report, be approved and the appropriate capital and revenue budgets adjusted accordingly.

***Referred to Council**

CB 19/61 REVIEW AND REPLACEMENT OF COUNCIL WEBSITE

Item FIP 19/34 referred from Finance, Innovation and Property Advisory Board minutes of 18 September 2019

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 18 September 2019 regarding the initial findings of a number of customer engagement surveys and a capital plan evaluation for the replacement of the website Content Management System.

RECOMMENDED: That

- (1) progress with the review and replacement of the website be noted;
- (2) the scheme be added to List A funded in full from the Transformation Reserve; and
- (3) the net increase in revenue costs be incorporated into the forthcoming Estimates process.

***Referred to Council**

CB 19/62 PURCHASE OF TEMPORARY ACCOMMODATION

Item FIP 19/35 referred from Finance, Innovation and Property Advisory Board minutes of 18 September 2019

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 18 September 2019 regarding the purchase of further properties for use as temporary accommodation. A supplementary report updated progress on the purchase of temporary accommodation in the Borough and requested approval for additional funding to ensure the ability for commercial opportunities to be taken.

RECOMMENDED: That

- (1) a sum of £2.1m be added to the Capital Plan for the purchase of property for temporary accommodation purposes, as set out in the supplementary report and accompanying capital plan evaluation annexed thereto, and the Capital Plan be updated accordingly;
- (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 outlined in the report; and

- (3) the post implementation review report set out at Annex 2 to the report be approved.

***Referred to Council**

**DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE
CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE DECISIONS)**

CB 19/63 AMENDMENTS TO BUILDING CONTROL FEES

Decision Notice D190071CAB

CB 19/64 MEDIUM TERM FINANCIAL STRATEGY UPDATE

Decision Notice D190072CAB

CB 19/65 REVIEW OF TONBRIDGE CASTLE - CONCESSIONARY USERS

Decision Notice D190073CAB

CB 19/66 REVIEW OF CUSTOMER SERVICE SURGERIES

Decision Notice D190074CAB

CB 19/67 GIBSON BUILDING REVIEW

Decision Notice D190075CAB

**CB 19/68 TUNBRIDGE WELLS LOCAL PLAN REGULATION 18
CONSULTATION**

Decision Notice D190076CAB

MATTERS SUBMITTED FOR INFORMATION

CB 19/69 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.

The Chief Executive gave an update on action being taken in response to residents' enquiries during implementation of the new Waste Services Contract. It was noted that a full report would be presented to the next meeting of the Street Scene and Environment Services Advisory Board.

Finance, Innovation and Property Advisory Board of 17 July 2019
Communities and Housing Advisory Board of 23 July 2019

Street Scene and Environment Services Advisory Board of 3 September 2019

Economic Regeneration Advisory Board of 4 September 2019

Finance, Innovation and Property Advisory Board of 18 September 2019

Planning and Transportation Advisory Board of 2 October 2019

RESOLVED: That the report be received and noted.

CB 19/70 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 2 July 2019

Parish Partnership Panel of 5 September 2019

Tonbridge Forum of 9 September 2019

Joint Transportation Board of 23 September 2019

RESOLVED: That the report be received and noted.

CB 19/71 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.11 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

**Decision No:
D190051MEM**

Date: 17 July 2019

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 which were considered in accordance with the previously agreed criteria for determining such applications.

Reference was made to the agreed practice of advising organisations that there could be a reduction in the level of relief awarded in the future and to the requirement for organisations to reapply every two years 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) in respect of the re-application from Carers First, 146A High Street, Tonbridge – 20% discretionary rate relief be awarded for the period when the office was in use (1 April to 18 June 2019);
- (2) the new applications for discretionary rate relief be determined as follows:

Empathy Action, Unit 5a and 5b Cannon Bridge Works, Cannon Lane, Tonbridge – no discretionary rate relief be awarded; and

Hospice of Hope Romania Ltd, Unit 6 The Granary, Goblands Farm, Court Lane, Hadlow – no discretionary rate relief be awarded.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 July 2019.

Signed Cabinet Member for
Finance, Innovation and
Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 19 July 2019

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:
D190052MEM**

Date: 17 July 2019

Decision(s) and Reason(s)

Council Tax Reduction Scheme 2020-21

(Report of Director of Finance and Transformation)

Further to Decision No D190040MEM, the report provided an update on the review of the Council Tax Reduction Scheme and a broad framework for progression towards consultation and adoption of the scheme by the Council in February 2020. It was proposed to consult on moving from a means tested reduction towards an income-banded discount scheme together with a number of other options. Consideration was given to a mechanism for finalising the consultation material in the tight timescale involved.

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

Authority be delegated to the Director of Finance and Transformation to finalise consultation material and undertake the consultation in liaison with the Chairman and Vice-Chairman of the Advisory Board and the Cabinet Member for Finance, Innovation and Property.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 July 2019.

Signed Cabinet Member for
Finance, Innovation and
Property

M Coffin

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

19 July 2019

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:
D190053MEM**

Date: 17 July 2019

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 £76,850.

Reference was made to the announcement that the Council had been awarded £150,000 as a result of the inclusion of Borough Green Gardens into the Government's Garden Communities Programme.

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.

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

- (1) detailed decisions on expenditure in respect of the £150,000 funding awarded by the Ministry for Housing, Communities and Local Government for Borough Green Gardens be delegated to the Director of Planning, Housing and Environmental Health;
- (2) it be noted that as at the end of June 2019, the projected overall outturn position is a net adverse variance of circa £77,000 when compared to the budget set in February 2019; and
- (3) the position in respect of the funding gap be noted together with the need over the coming months to identify and implement opportunities to deliver at least this year's savings and transformation contribution of £100,000.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 July 2019.

Signed Cabinet Member for
Finance, Innovation and
Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 19 July 2019

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:
D190054MEM**

Date: 17 July 2019

Decision(s) and Reason(s)

Capital Programme - Post Implementation Reviews Monitoring

(Report of Director of Finance and Transformation)

The report identified the post implementation reviews carried out since the meeting of the Advisory Board in September 2018 together with the capital plan schemes for which reviews were due. A post implementation review in respect of the Tonbridge and Malling Leisure Trust IT Infrastructure Capital Grant was also brought forward for consideration.

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

The post implementation review in respect of the Tonbridge and Malling Leisure Trust IT Infrastructure Capital Grant, as set out at Annex 2 to the report, be approved.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 July 2019.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 19 July 2019

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:
D190055MEM**

Date: 17 July 2019

Decision(s) and Reason(s)

Larkfield Leisure Centre - Mechanical, electrical and roofing works

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

(Report of Management Team)

Further to Minute C 19/63, the report provided details of the risk assessed approach to the appointment of the contractor for the mechanical, electrical and roofing works at Larkfield Leisure Centre. An update was also given on a review of the loss of income claim and potential environmental improvements.

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

- (1) based on the risk assessment outlined in the report Kier Construction Ltd be appointed as the contractor for the planned major programme of works at Larkfield Leisure Centre;
- (2) authority be granted to the Directors of Central Services and Finance and Transformation to appoint Kier Construction Ltd in accordance with the works programme, following agreement with the Cabinet Members for Finance, Innovation and Property and Community Services;
- (3) further consideration be given to the inclusion of clauses in the contract relating to the Council's 'step in' rights;
- (4) the Leisure Trust's revised estimated loss of income claim reported verbally at the meeting be noted; and
- (5) further evaluation be undertaken regarding the cost benefits of the potential installation of solar panels on to the Larkfield Leisure Centre sports hall roof.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 July 2019 (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: 19 July 2019

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:
D190056MEM**

Date: 17 July 2019

Decision(s) and Reason(s)

Debts for Write Offs

**(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 £5,000 which had been written-off in
accordance with Financial Procedure Rule 18.2 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 three items shown in the schedule of amounts over £5,000, totalling £25,226.04
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 July 2019 (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: 19 July 2019

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:
D190057MEM**

Date: 23 July 2019

Decision(s) and Reason(s)

Capital Plan Projects

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

The report set out the progress on key projects included in the Borough Council's Capital Plan. A full update reflecting all current List A schemes relevant to the Communities and Housing Advisory Board was attached at Annex 1 for information.

In addition, the latest position regarding the development opportunity at Leybourne Lakes Country Park was outlined. The outcome of the tender evaluation process would be reported to a future meeting of the Communities and Housing Advisory Board. However, it was agreed that local and key Members receive updates at regular intervals.

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

- (1) the updates on the current List A schemes within the Capital Plan, as shown at Annex 1 of the report, be noted; and
- (2) the outcome of the tendering exercise for the management of Leybourne Lakes Country Park be reported to a future meeting of the Communities and Housing Advisory Board.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 23 July 2019.

Signed Cabinet Member for Community Services M Rhodes

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 26 July 2019

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: D190058MEM

Date: 23 July 2019

Decision(s) and Reason(s)

Country Parks - Customer Panel Meetings

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

The report sought nominations for the appointment of Member representatives to attend Customer Panel meetings for Haysden and Leybourne Lakes Country Parks. It was also proposed that the Cabinet Member for Community Services be approved as an ex-officio member of each Panel.

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

- (1) the following Members be appointed to serve on the Customer Panels for the Borough Council's Country Parks as set out below:

Haysden

Councillor M Hood
Councillor D King

Leybourne Lakes

Councillor T Bishop
Councillor B Luker

- (2) the Cabinet Member for Community Safety be approved as an ex-officio member of each Customer Panel.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 23 July 2019.

Signed Cabinet Member for Community Services M Rhodes

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 26 July 2019

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:
D190059MEM**

Date: 23 July 2019

Decision(s) and Reason(s)

Public Space Protection Order

(Report of Director of Central Services)

The report provided details of the proposed Public Space Protection Order (PSPO) for the Borough, including details of Borough-wide restrictions and restrictions for particular geographical areas. Annex 2 of the report set out the proposed PSPO, including two new proposed restrictions related to no unauthorised drones (unmanned aerial surveillance platforms) on Borough Council land and keeping dogs on a lead in closed churchyards.

In order to extend or add additional requirements to a PSPO there was a requirement to consult with the public and other bodies. The responses to the consultation would be reported to the next meeting of the Communities and Housing Advisory Board.

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

The proposed Public Spaces Protection Order, as set out in Annex 2 of the report and summarised above, be circulated for public consultation.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 23 July 2019.

Signed Cabinet Member for Community Services M Rhodes

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 26 July 2019

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:
D190060MEM**

Date: 23 July 2019

Decision(s) and Reason(s)

Youth Engagement, Sports and Events Development

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

The report provided an update on the recommendations from the Overview and Scrutiny Committee review of Youth, Sports and Events Development undertaken in June 2018.

Members welcomed the good progress made to date on the implementation of the review's recommendations, particularly the enhanced events programme which benefited residents, attracted visitors to Tonbridge and Malling and secured additional income by supporting commercial events.

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

The positive progress achieved on the implementation of the approved change to delivery of Youth Engagement, Sports and Events Development, as set out in the report, be welcomed and noted.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 23 July 2019.

Signed Cabinet Member for Community Services M Rhodes

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 26 July 2019

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:
D190061MEM**

Date: 03 September 2019

Decision(s) and Reason(s)

Climate Change Strategy

(Report of Management Team)

The report gave details of the motion on climate change approved by the Council on 9 July 2019 and set out an approach to addressing the issues involved and bringing forward a Draft Climate Change Strategy by May 2020.

Members were invited to contribute to the shaping of the strategy by sending initial thoughts and comments to the Scrutiny and Partnerships Manager. It was noted that, following approval of the draft by the Council, there would be a period of public consultation to inform the final strategy. In the meantime it was agreed that all reports should include a section on assessment of climate change impact.

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

The timescale for delivery of the Draft Climate Change Strategy, as set out in the report, be endorsed.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 3 September 2019.

Signed Cabinet Member for Street Scene and Environment Services R Betts

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 6 September 2019

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:
D190062MEM**

Date: 03 September 2019

Decision(s) and Reason(s)

Waste Services Contract

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

The report provided an update on the new Waste Services Contract which started on 1 March, including the improved recycling services due to commence on 30 September 2019. Details were given of key contractor performance indicators, the uptake of the opt-in garden waste service and arrangements for marketing and communication with residents on the new service. Reference was also made to the proposed timeframe for the implementation of the revised bring bank sites and arrangements for communal bins. Members' assistance was sought in disseminating information to their residents.

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

- (1) progress made in the implementation of the new waste contract be noted;
- (2) a further update on the mobilisation of the new service arrangements be presented at the next meeting of the Advisory Board on 30 October 2019;
- (3) the proposed approach to the roll-out of communal bins be approved; and
- (4) the proposed timeframe for the implementation of the revised bring bank site arrangements be approved.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 3 September 2019.

Signed Cabinet Member for Street Scene and Environment Services R Betts

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 6 September 2019

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:
D190063MEM**

Date: 04 September 2019

Decision(s) and Reason(s)

Business Rates Retention Pilot Schemes

(Report of Chief Executive)

The report provided an update on economic regeneration initiatives within the Borough funded by income received from the Business Rates Retention Pilot. Particular reference was made to the Town and District Commercial Frontages Grant Scheme and the proposed Local Centres and Parades Improvements Scheme.

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

- (1) the content of the report be noted;
- (2) the proposal to close the Town and District Centres Commercial Frontages Scheme to new applications by the end of December 2019 be approved; and
- (3) delivery of a Local Centres and Parades Improvement Scheme be approved and this initiative be launched before the end of December 2019.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 4 September 2019.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 6 September 2019

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:
D190064MEM**

Date: 04 September 2019

Decision(s) and Reason(s)

Fairtrade Tonbridge - Renewal Submission

(Report of Chief Executive)

The report sought endorsement of the submission of an application to the Fairtrade Foundation for the renewal of Tonbridge's Fairtrade Town Status.

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

- (1) the content of the report be noted; and
- (2) subject to the inclusion of the University of Kent and Tonbridge Castle as local organisations engaged in Fairtrade activities, the renewal submission, as outlined at paragraph 1.2.3 of the report, be endorsed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 4 September 2019.

Signed Cabinet Member for
Economic Regeneration and
Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 6 September 2019

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:
D190065MEM

Date: 04 September 2019

Decision(s) and Reason(s)

Skills and Work Readiness

(Report of the Chief Executive)

The report provided an update on added-value activities delivered by the Borough Council under the 'skills and work readiness' agenda and set out details of future activities which would meet the aims of the Economic Regeneration Strategy Action Plan for 2020/21.

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

The proposed activities for 2020/21, as set out at paragraph 1.5.2 to the report, be endorsed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 4 September 2019.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 6 September 2019

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:
D190066MEM**

Date: 18 September 2019

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 £375,250. 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.

It was noted that whilst the budget performance for the year was no cause for concern, over the medium term the position was worsening in respect of the projected funding gap. It was therefore considered that each advisory board and committee should be requested to identify opportunities for savings and transformation contributions over the budget cycle. To assist this process it was suggested that reports should identify whether services were mandatory or discretionary and the section on Financial and Value for Money Considerations be reinforced.

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

- (1) it be noted that as at the end of August 2019, the projected overall outturn position is a net adverse variance of circa £375,250 after making an additional contribution to the revenue reserve for capital schemes of £466,000, when compared to the budget set in February 2019;
- (2) the worsening position in respect of the projected funding gap be noted together with the need over the coming months to identify and implement opportunities to deliver at least this year's savings and transformation contribution of £100,000 which, as things stand, would give a funding gap

higher than at the start of the year; and

- (3) it be recommended to Cabinet that each Advisory Board and Committee should be requested to identify and bring forward opportunities for savings and transformation contributions during this financial year for inclusion in the Medium Term Financial Strategy and Savings and Transformation Strategy.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 18 September 2019.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 20 September 2019

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:
D190067MEM**

Date: 18 September 2019

Decision(s) and Reason(s)

Discretionary Rate Relief

(Report of Director of Finance and Transformation)

The report gave details of an application for hardship relief from Attachments Fostering Ltd in respect of their previous premises at The Cedars, Holborough Road, Snodland. Consideration was given to the circumstances leading to the application, including a timeline of events and financial information which was exempt under Paragraph 3 of Schedule 12A of the Local Government Act 1972 and set out in the private part of the agenda.

It was considered appropriate to award hardship relief for the period between January 2015 and March 2017 following which the Valuation Office Agency had reviewed and reduced the property's rateable value by a third.

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

An award of hardship relief be approved on the basis of a rebate of one third of the charge for the period January 2015 to March 2017 with a flexible arrangement for repaying the balance of the outstanding debt.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 18 September 2019.

Signed Cabinet Member for
Finance, Innovation and
Property

M Coffin

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

20 September 2019

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:
D190068MEM**

Date: 18 September 2019

Decision(s) and Reason(s)

Rural Rate Relief - Rural Settlement List

(Report of Director of Finance and Transformation)

The report advised of the annual requirement to review the Council's rural settlement list and recommended that the current list be retained unaltered for the forthcoming 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 remain in force for the year 2020/21.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 18 September 2019.

Signed Cabinet Member for
Finance, Innovation and
Property

M Coffin

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

20 September 2019

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:
D190069MEM**

Date: 18 September 2019

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 £5,000 which had been written-off in
accordance with Financial Procedure Rule 18.2 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 3 items shown in the schedule of amounts over £5,000, totalling £22,859.76 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 18 September 2019 (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: 20 September 2019

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:
D190070MEM**

Date: 23 September 2019

Decision(s) and Reason(s)

Parking Action Plan - Phase 11 and Access Scheme 2

(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 11 of the Parking Action Plan and sought approval to proceed to formal consultation in respect of 32 locations. It was noted that 5 of the original locations had been considered under the Access Scheme, a streamlined process applied to the consideration and promotion of minor changes to the public highway, details of which were set out at Annex 6 to the report.

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

- (1) subject to the abandonment of the scheme at Shakespeare Road, Tonbridge (Location reference 11.27) to allow it to be redrafted; and the proposal to proceed with the scheme at Fairfield Crescent, Tonbridge (Location reference 11.33), the recommendation for each location in Phase 11 shown in Annex 1 to the report be adopted and, where appropriate, be taken forward to formal consultation; and
- (2) subject to the amendment of the afternoon parking restriction times for the single yellow lines in Kings Road, Tonbridge (Location reference 11-31) to reduce the times from Noon-3.30pm to 2pm-3.30pm, the recommendation for each location in Access Scheme 2 shown in Annex 6 to the report be adopted and, where appropriate, the proposals be implemented.

In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules the Leader nominated the Cabinet Member for Strategic Planning and Infrastructure to take this decision in the absence of the Cabinet portfolio holder (Street Scene and Environment Services).

Reasons: As set out in the report submitted to the Joint Transportation Board of 23 September 2019.

Signed Cabinet Member for Strategic Planning and Infrastructure D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 27 September 2019

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: D190071CAB

Date: 16 October 2019

Decision(s) and Reason(s)

Amendments to Building Control Fees

(Item FIP 19/36 referred from Finance, Innovation and Property Advisory Board minutes of 18 September 2019)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 18 September 2019.

The Cabinet resolved that:

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

The correct Building Control fees schedule for 2019/20, as set out at Annex 1 to the report, be adopted with effect from 1 November 2019.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 18 September 2019.

Signed Chief Executive:

J Beilby

Date of publication: 18 October 2019

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: D190072CAB
Date: 16 October 2019

Decision(s) and Reason(s)

Medium Term Financial Strategy Update

(Joint report of Chief Executive and Director of Finance and Transformation)

The report provided an update on the Medium Term Financial Strategy (MTFS) and projected funding gap ahead of the forthcoming budget cycle. Reference was made to the latest assessment of budget or potential budget pressures which could increase the projected funding gap from the £675,000 reported to Finance, Innovation and Property Advisory Board to £800,000 with the possibility of it being doubled in the event that New Homes Bonus was withdrawn without replacement.

The importance of delivering at least this year's savings and transformation contribution of £100,000 was acknowledged. The number, scale and timing of requisite savings/contributions would be determined on moving through the forthcoming budget cycle.

It was reported that the 2020/21 Local Government Finance Settlement Technical Consultation had recently been published and the main intentions were outlined. Consideration was given to a mechanism for responding by the deadline of 30 October 2019.

The Cabinet resolved that:

- (1) the latest MTFS position statement be noted together with the need to meet at least the commitment to identify and implement opportunities to deliver this year's savings and transformation contribution of £100,000; and**
- (2) 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 prior to the deadline of 30 October.**

Reasons: As set out in the joint report of the Chief Executive and Director of Finance and Transformation.

Signed Chief Executive:

J Beilby

Date of publication: 18 October 2019

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: D190073CAB
Date: 16 October 2019

Decision(s) and Reason(s)

Review of Tonbridge Castle - Concessionary Users

(Report of Director of Central Services and Deputy Chief Executive)

Consideration was given to the recommendations of the Overview and Scrutiny Committee at its meeting of 20 June 2019 in relation to the review of the concessionary charging regime applicable to Tonbridge Castle.

The Cabinet resolved that:

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

- (1) the concessionary user discount list be discontinued; and
- (2) any future discounts be authorised by the Director of Central Services on an exception only basis.

[Councillor N Heslop declared an Other Significant Interest in this item on the grounds of being a member of the Board of The Bridge Trust. He withdrew from the meeting during its consideration and Councillor M Coffin took the Chair.]

Reasons: As set out in the reports of the Director of Central Services to Overview and Scrutiny Committee and Cabinet.

Signed Chief Executive: J Beilby

Date of publication: 18 October 2019

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: D190074CAB
Date: 16 October 2019

Decision(s) and Reason(s)

Review of Customer Service Surgeries

Consideration was given to the recommendations of the Overview and Scrutiny Committee at its meeting of 20 June 2019 in relation to the review of customer service surgeries at Borough Green, Larkfield and Snodland. Further evidence from each surgery had been collected and was presented at Annex 1 to the report.

The Cabinet resolved that:

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

The closure of the customer service surgeries in Borough Green, Larkfield and Snodland on the grounds of financial unsustainability due to the low footfall visiting each site be supported in principle subject to an Equality Impact Assessment being undertaken.

Reasons: As set out in the reports of the Director of Central Services to Overview and Scrutiny Committee and Cabinet.

Signed Chief Executive: J Beilby

Date of publication: 18 October 2019

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: D190075CAB
Date: 16 October 2019

Decision(s) and Reason(s)

Gibson Building Review

Consideration was given to the recommendations of the Overview and Scrutiny Committee at its meeting of 29 August 2019 in relation to the review of the Council's offices at Gibson Drive, Kingshill undertaken in 2018 and subsequent discussions with Kent County Council.

The Cabinet resolved that:

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

- (1) a formal response be sent to Kent County Council declining their proposal as being financially unviable; and
- (2) officers continue to pursue opportunities to maximise the rental income from third parties for occupation and use of the Gibson Building.

Reasons: As set out in the reports of the Director of Central Services to Overview and Scrutiny Committee and Cabinet.

Signed Chief Executive: J Beilby

Date of publication: 18 October 2019

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: D190076CAB
Date: 16 October 2019

Decision(s) and Reason(s)

Tunbridge Wells Local Plan Regulation 18 Consultation

(Item PE 19/20 referred from Planning and Transportation Advisory Board minutes of 2 October 2019)

Consideration of recommendations to the Cabinet from the Planning and Transportation Advisory Board of 2 October 2019. A detailed proposed response to the consultation was circulated in advance of the meeting.

The Cabinet resolved that:

The proposed response to the Tunbridge Wells Local Plan Regulation 18 consultation be approved for submission by the consultation deadline on 1 November 2019 subject to:

- (1) movement of the paragraph on support for the approach of meeting identified needs for future development within the borough of Tunbridge Wells to the general preamble of the response;
- (2) the insertion of the words “ including north-south travel throughout Tonbridge and Malling and any flood mitigation measures” after the words “adverse impacts on existing infrastructure and services” at the top of page 2 of the response”; and
- (3) the final version being sent to the Leader and Cabinet Member for Strategic Planning and Infrastructure prior to submission.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 2 October 2019 and the report of the Director of Planning, Housing and Environmental Health to Cabinet.

Signed Chief Executive: J Beilby

Date of publication: 18 October 2019

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.

