

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 6th October, 2022

Present: Cllr Mrs A S Oakley (Chair), Cllr A E Clark (Vice-Chair), Cllr M O Davis (Vice-Chair), Cllr C Brown, Cllr R I B Cannon, Cllr R W Dalton, Cllr D Harman, Cllr F A Hoskins, Cllr S A Hudson, Cllr D W King, Cllr J R S Lark, Cllr M Taylor, Cllr D Thornewell, Cllr D J Cooper and Cllr M A J Hood

Councillor D A S Davis were also present pursuant to Council Procedure Rule No 15.21.

Councillors Mrs J Anderson, Mrs P Bates, R Betts, M Boughton, V Branson, M Coffin, D Keers, W Palmer, M Rhodes, J Sergison and K Tanner participated via MS Teams and joined the meeting when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors A Cope, Mrs F A Kemp, H S Rogers and F G Tombolis

PART 1 - PUBLIC

OS 22/29 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

Cllr M Hood – substitute for Cllr A Cope
Cllr D Cooper – substitute for Cllr Mrs A Kemp

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

OS 22/30 DECLARATIONS OF INTEREST

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

OS 22/31 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 7 July 2022 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET**OS 22/32 PLANNING ENFORCEMENT REVIEW**

Following a service review of planning enforcement the report of the Director of Planning, Housing and Environmental Health invited consideration of an updated version of the Planning Enforcement Plan (as attached at Annex 1 to the report). A PowerPoint presentation was provided in respect of the Planning Enforcement Tracker tool which will ensure Members can access real time information about updates on enforcement cases.

A number of key changes were detailed in the report and included moving the prioritisation table to its own section within the Plan, ensuring activity and target timescales were 'fit for purpose' and options to improve communication with stakeholders and managing their expectations.

Members' attention was drawn to the work undertaken in respect of short term unauthorised traveller encampments on Borough Council, Parish/Town Council and Leisure Trust land and the Committee was advised that, if the service was to continue to be offered, the Borough Council would need to seek cost recovery and increase fees.

Members were advised that, as a result of the proposed changes to the Planning Enforcement Plan, the digital improvements detailed in the report and the number of cases received each year, it was necessary to consider what staffing arrangements were required. Careful consideration was given to the options set out at 1.4.7 to 1.4.10 of the report together with the financial considerations at section 1.6 and the risk assessment at section 1.7.

RECOMMENDED: That

- (1) subject to the amendment of paragraph 6.10 of the Planning Enforcement Plan by the addition of the words "Once served, the enforcement notice is entered onto the Local Land Charges Register and will remain on the register until the notice is withdrawn or any subsequent appeal is dismissed by the Planning Inspector" the proposed changes to the Planning Enforcement Plan (as attached at Annex 1 to the report) and the associated activity and timescales (as set out in 1.2 and 1.3 of the report) be recommended to Cabinet for implementation;

*** Referred to Cabinet**

- (2) (i) the budget growth required to fund staffing proposals in respect of planning enforcement be supported; and

(ii) the hybrid proposal for staffing arrangements, as detailed in section 1.4.10 of the report, be commended to the General Purposes Committee for approval;

***Referred to Council**

- (3) an increase in fees charged for activity relating to traveller incursions on Parish or Town Council or Leisure Trust land (as set out in 1.4 of the report) be considered by Council as part of the budget setting process and that the fees be regularly reviewed to ensure that realistic annual uplifts in fees are applied.

***Referred to Council**

MATTERS FOR INFORMATION

OS 22/33 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW LETTER

The annual report of the Ombudsman regarding complaints received and dealt with over the period 1 April 2021 to 31 March 2022 was received and noted.

OS 22/34 RECORD OF EXECUTIVE DECISIONS TAKEN

The decisions taken by the Cabinet and Cabinet Members during July, August and September 2022 were presented for information and these were noted by the Committee.

OS 22/35 WORK PROGRAMME 2022-23

The Work Programme setting out matters to be scrutinised during 2022/23 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 22/36 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.00 pm