

TONBRIDGE & MALLING BOROUGH COUNCIL



**MINUTES OF COUNCIL,
CABINET
AND
COMMITTEE MEETINGS
2022
VOL. 2
FEB 17 – APR 12**

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

INDEX

Item	Page (s)	
1.	17 February 2021: Area 1 Planning Committee	3 - 8
	Minute Numbers: AP1 22/8 - 15	
2.	22 February 2022: Council	9 - 22
	Minute Numbers: C 22-1 – 25 Council Tax Resolution 2022-23	
3.	23 February 2022: Area 2 Planning Committee	23 - 28
	Minute Numbers: AP2 22/6-12	
4.	8 March 2022: Licensing and Appeals Committee	29 - 32
	Minute Numbers: LA 22/5-12	
5.	10 March 2022: Overview and Scrutiny Committee	33 - 36
	Minute Numbers: OS 22/9-16	
6.	15 March 2022: Cabinet	37 - 42
	Minute Numbers: CB 22/34-48	
7.	Cabinet Member Decisions:	43 - 50
	D220030MEM D220031MEM – D220033MEM	
8.	Cabinet Decisions:	51 - 60
	D220034CAB – D220041CAB	

9.	Decisions Taken Under Emergency/Urgency Provisions	61 - 70
	D220005URG – Pembury Road Temporary Accommodation Project D220006URG – Reinstatement of Garden Waste Service D220007EM – Community Park Funding D220008EM – Retail, Hospitality & Leisure Business Rate Relief Scheme (2022/23)	
10.	22 March 2022: General Purposes Committee	71 - 74
	Minute Numbers: GP 22/10 - 16	
11.	29 March 2022: Licensing and Appeals Committee	75 - 76
	Minute Numbers: LA 22/14-16	
12.	31 March 2022: Area 1 Planning Committee	77 - 80
	Minute Numbers: AP1 22/16-21	
13.	4 April 2022: Audit Committee	81 - 84
	Minute Numbers: AU 22/12-23	
14.	6 April 2022: Area 2 Planning Committee	85 - 86
	Minute Numbers: AP2 22/13-17	
15.	12 April 2022: Cabinet (Extraordinary)	87 - 90
	Minute Numbers: CB 22/49-53	
16.	Cabinet Decision(s):	91 - 92
	D220045CAB	

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

AREA 1 PLANNING COMMITTEE

MINUTES

Thursday, 17th February, 2022

Present: Cllr D W King (Chairman), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr M D Boughton, Cllr V M C Branson, Cllr G C Bridge, Cllr A E Clark, Cllr A Cope, Cllr M O Davis, Cllr N J Heslop, Cllr M A J Hood, Cllr J R S Lark, Cllr M R Rhodes, Cllr J L Sergison, Cllr Miss G E Thomas and Cllr F G Tombolis.

(Note: As Councillor H Rogers was unable to attend in person and participated via MS Teams he was unable to vote on any matters).

Councillor D Harman participated via MS Teams and joined the discussion when invited to do so in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors J L Botten, N Foyle and F A Hoskins

PART 1 - PUBLIC

AP1 22/8 DECLARATIONS OF INTEREST

For reasons of transparency, Councillor M Boughton advised that in respect of application TM 21/02915/FL (105 Hadlow Road) he worked with a close relative of one of the objectors. As this did not represent a Disclosable Pecuniary or Other Significant Interest there was no requirement to withdraw from the meeting.

AP1 22/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 13 January 2022 be approved as a correct record and signed by the Chairman.

AP1 22/10 GLOSSARY AND SUPPLEMENTARY MATTERS

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

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the

Committee when determining the application. Speakers are listed under the relevant planning application shown below.

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

AP1 22/11 TM/21/02064/FL - CANNON LANE RETAIL PARK, CANNON LANE, TONBRIDGE

Section 73 Application: Variation of condition 1 of planning permission TM/16/00818/FL to allow the sale of convenience goods from Unit 1C, Cannon Lane Retail Park, Cannon Lane, 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.

AP1 22/12 TM/19/00014/OAEA - LOWER HAYSDEN LANE, TONBRIDGE

Outline Application: construction of up to 125 new homes, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure at land North of Lower Haysden Lane, 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 s106 planning obligation with the Borough Council to make contributions for the enhancement of existing open spaces and NHS facilities in the locality.
- (2) The applicant entering into a s106 planning obligation with Kent County Council to make contributions towards the enhancement of secondary school accommodation and community facilities within the locality, improvements to bus infrastructure in Brook Street and bus services in Tonbridge as well as for the provision of a shared cycle lane/footpath along Waterloo Road.

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

31 August 2022, a report back to the Area 1 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may 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.

(3) Amended Conditions:

4. Applications for the approval of the reserved matters shall be in conformity with the design principles described in section 3 of the Design and Access Statement and the following plans:

215-P-01 Rev H - Illustrative Landscape Masterplan
215-P-03 Rev C - Development Framework Plan
10246-HL-01 C - Proposed Access Arrangement
7202-E-01 - Mitigation Management Plan

Reason: In the interests of the amenity of the locality and to ensure continuity with the approved development principles.

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 local residents as to the ongoing timetabling of works, the nature of the works and likely their 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.

- Specific arrangements for the provision of wheel washing facilities for contractor's vehicles within the site to ensure mud is not deposited on the public highway
- Specific arrangements to protect the nearest residential properties (including the nearby listed buildings) from noise and vibration from construction works.

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

Reason: in order that the development is managed in a way to minimise harm/disruption to the amenities of local residents.

(4) Additional Condition:

29. No lighting shall be installed in relation to any aspect of the development until details of a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in strict accordance with the approved scheme.

Reason: To protect the visual amenity and ecology of the site and local biodiversity.

(5) Additional Informatives:

5. The applicant is strongly encouraged to explore all opportunities for maximising the planting of semi-mature trees wherever possible to do so within the detailed landscaping scheme.

6. The applicant is strongly encouraged to retain the existing Field Maple on site as part of the detailed landscaping scheme.

7. In formulating the Travel Plan pursuant to Condition 9, the applicant is requested to discuss all options and opportunities with the Ward Members and local community to ensure that the Plan is as robust and effective as possible.

[Speakers: Verbal statements were made by F Long, P Donlan, J Leach and E Jones (members of the public) and Mr Owen Jones (agent); Due to technical difficulties a written statement was read out on behalf of H Velvick (member of the public)]

AP1 22/13 TM/21/01677/FL - 2 YARDLEY PARK ROAD, TONBRIDGE

Demolition of the existing buildings and the erection of 13no. apartments with associated access, landscaping, parking and infrastructure at 2 Yardley Park Road, Tonbridge.

This item was formally WITHDRAWN from the agenda

AP1 22/14 TM/21/02915/FL - 105 HADLOW ROAD, TONBRIDGE

Construction of a single detached dwelling with associated parking and erection of an ancillary garden building at 105 Hadlow Road, Tonbridge.

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

(1) Amended Condition:

4. Prior to the first occupation of the development hereby approved a scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning authority. The scheme shall include full details of all soft planting across the site and details of hardscaping materials, parking layouts and levels throughout the front curtilage. 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. 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 amenity and to ensure adequate parking arrangements are provided.

(2) Additional Condition:

9. 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 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 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.
- Specific arrangements for the provision of wheel washing facilities for contractor's vehicles within the site to ensure mud is not deposited on the public highway

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

(3) Additional Informative:

3.The applicant is reminded that the approved outbuilding to be constructed in the garden of the new dwelling must only be used for a purpose ordinarily incidental to the enjoyment of that dwellinghouse. The use of the building as a separate unit of residential accommodation or for a trade or business purpose such that a material change of use occurs would require planning permission.

[Speaker: Due to technical difficulties a written statement was read out on behalf of Iwan Jones (agent)]

AP1 22/15 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.52 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 22nd February, 2022

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 22nd February, 2022

Present: His Worship the Mayor (Councillor R V Roud), the Deputy Mayor (Councillor Mrs S Bell), Cllr Mrs J A Anderson, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr P Boxall, 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 A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr N Foyle, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr Mrs F A Kemp, Cllr A Kennedy, Cllr D W King, Cllr J R S Lark, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr W E Palmer, Cllr M R Rhodes, Cllr H S Rogers, Cllr J L Sergison, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr Miss G E Thomas, Cllr D Thornevell, Cllr F G Tombolis and Cllr C J Williams

(Note: Councillors Base, Bates, Shaw and Taylor participated via MS Teams and joined the discussion when invited by the Mayor to do so. They were unable to vote on any matters)

Apologies for absence were received from Councillors J L Botten, C Brown, Mrs T Dean, N J Heslop, B J Luker and N G Stapleton

PART 1 - PUBLIC

C 22/1 DECLARATIONS OF INTEREST

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

C 22/2 HONORARY FREEMAN MR M DOBSON

The Council observed a minute's silence in memory of Honorary Freeman and former Mayor and Borough Councillor, Mr Michael Dobson, who had recently died.

C 22/3 MINUTES

RESOLVED: That the Minutes of the proceedings of the ordinary and special meetings of the Council held on 26 October 2021 and of the

extraordinary meeting of Council held on 7 December 2021 be approved as a correct record and signed by the Mayor.

C 22/4 MAYOR'S ANNOUNCEMENTS

Councillors Boxall, Cope and Harman were welcomed to their first Council meeting following their election.

The Mayor advised that he had attended a number of engagements since the last meeting of the Council. These included school nativities, Christmas fayres and award presentations.

Memorable events included:

- Bravo Production's Opening Night of Castlemas at Tonbridge Castle
- Tonbridge Lions Club's Christmas Barrel Organ Collection
- Ightham Mote Christmas Carols Celebration
- The East Malling Centre's Silver Lunch Club Christmas
- West Malling Community Choir Concert

Future events included a Charity Garden Party at Bradbourne House, East Malling on 30 March and a Charity Dinner at Hadlow Manor on 28 April 2022.

Finally, the Mayor thanked the Deputy Mayor for attending a number of events on his behalf.

C 22/5 ELECTION OF MEMBERS FOR CASTLE, KINGS HILL AND WEST MALLING AND LEYBOURNE WARDS

The report of the Chief Executive and Returning Officer set out the results of the elections held on 9 December 2021 to fill vacancies in Castle, Kings Hill and West Malling and Leybourne Wards.

Members were advised that Ms Anna Cope, Mr Dan Harman and Mr Paul Boxall had been duly elected as Councillors to hold office until 2023.

C 22/6 POLITICAL BALANCE ARRANGEMENTS

The report of the Director of Central Services and Deputy Chief Executive set out details of the political balance arrangements for committees, sub-committees, advisory boards and panels following the by-elections in Castle, Kings Hill and West Malling and Leybourne wards on 9 December and Councillor D Lettington becoming an independent Member.

RESOLVED: That the composition of all committees, sub-committees, advisory board and panels be approved in accordance with the table at

1.1.5 of the report and the Monitoring Officer make any consequential amendments to the Council's Constitution in respect of political balance.

C 22/7 APPOINTMENTS TO COMMITTEES, ADVISORY BOARDS AND PANELS AND OTHER GROUPS

As a consequence of the by-elections on 9 December 2021 and Councillor D Lettington becoming an Independent Member, there were a number of changes required to the membership of committees, sub-committees, advisory boards and panels and other groups for the remainder of the municipal year.

Each Group Leader had considered the appointments and the nominations received were set out in Annexes 1 – 4.

RESOLVED: That

- (1) Councillor Mark Rhodes be appointed as Vice-Chairman to the Area 1 Planning Committee;
- (2) Councillor Piers Montague be appointed as the Chairman of the Joint Transportation Board;
- (3) the appointments to Committees, Sub-committees, Advisory Boards and Panels and Other Groups, as set out in Annexes 1 – 4, be approved; and
- (4) the appointments of external community representatives to the Tonbridge Community Forum be noted.

C 22/8 CHANGES TO THE CONSTITUTION

The report of the Monitoring Officer recommended that changes were made to the Constitution to allow for the use of substitute Members at Committees, Advisory Boards and Advisory Panels and to allow for Members to remain seated when speaking at full Council.

Consideration was given to the appointment of substitutes, the exceptions and powers as detailed in the report. Reference was made to Member attendance at training and it was explained that Protocol A would be amended to make it clear that substitute members were subject to the same training requirements. A revised set of Council and Committee Procedure Rules to reflect the use of substitutes was attached at Annex 1.

Finally, it was proposed to amend Council and Committee Procedure Rules 10.4 and 10.5 to remove the requirement to stand when addressing the Council.

RESOLVED: That:

- (1) the Monitoring Officer be authorised to amend the Constitution to give effect to:
 - a) the changes in respect of substitute members set out at Annex 1;
 - b) the changes to Protocol A (Member attendance at training) set out at paragraph 1.1.12 of the report;
 - c) the changes in respect of standing at full Council set out at paragraph 1.2.2 of the report.
- (2) the appointments of substitute members as nominated by Group Leaders (as set out on the supplement to the report) be approved.

C 22/9 LEADER'S ANNOUNCEMENTS

The Leader paid tribute to Honorary Freeman, former Mayor and former Borough Councillor Mr Michael Dobson and sent condolences to his family and friends on behalf of the Borough Council.

The Leader also recorded appreciation to Borough Council staff, emergency services and utility providers for their efforts in supporting residents and local communities during the recent Storms Eunice and Franklin.

There was an emphasis on employment and investment opportunities in the Borough and the ambition to make Tonbridge and Malling a clean and safe place to live. The headline messages included:

- Recent visits to the Base Camp community facility at the Royal British Legion Industries Village and the new Panettoni site at New Hythe Lane;
- Opportunities for supporting grass roots football would be explored;
- The ongoing distribution of Covid-19 related support grants to local businesses;
- Climate change initiatives including the installation of electric charging points throughout the Borough, the purchase of the Borough Councils first electric vehicle and the start of building works in respect of the eco café at Leybourne Lakes Country Park; and
- The recent assessment of the Borough Council's performance via a Peer Review. The outcomes of this would be given careful consideration by the Cabinet in due course. However, the Leader encouraged all Members to be open to and to embrace change.

Finally, the Leader referred to an opportunity to participate in the [Great British Railways](#) national headquarters selection process, being run by the Great British Railways Transition Team (GBRTT) on behalf of the

Department for Transport (DfT). The competition sought to recognise places with a rich railway heritage, strong links to the national network and public support for the selected location, creating a great opportunity to promote communities as the proud home for the start of a new era in Britain's railways. The Borough Council were preparing an expression of interest to nominate Tonbridge as the location for the headquarters.

The full statement was available to view on the Borough Councils [YouTube](#) channel.

C 22/10 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 22/11 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 22/12 NOTICE OF MOTION (22/01) SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE NO. 5.27

Consideration was given to a Notice of Motion (22/01) pursuant to Council Procedure Rule No. 5.7 submitted by Councillor G Bridge and seconded by Councillor T Bishop on behalf of the Tonbridge and Malling Liberal Democrat Group in the following terms:

Fair Game is an alliance of over 30 football clubs from all levels of the game below the Premier League, who, together, are calling for improved governance of the game. Fair Game is calling for a financial structure that is fairer and more responsible, greater recognition of, and protections for, current competitions and embedded and structured fan engagement at all clubs. Fair Game supports the fan-led review recently chaired by Tracey Crouch MP.

- *Tonbridge and Malling Borough Council believes that football clubs are community assets, playing important social, civic and cultural roles in their local communities.*
- *This council supports the manifesto for football proposed by Fair Game and calls on other councils to join us in our support.*
- *The council will write to the Minister for Sport and the Local Government Association Culture Tourism and Sport Board, with copies sent to Tom Tugendhat MP and Tracey Crouch MP, urging them to work towards implementing Fair Game's manifesto.*

- *The council is pleased to note that Tonbridge Angels Football Club is a member of Fair Game and supports their manifesto.*
- *The council further notes that Tom Tugendhat MP supports the Fair Game manifesto.'*

RESOLVED: That the Notice of Motion (22/01) be agreed.

(In accordance with Council Procedure Rule No 8.6 Councillor M Rhodes asked that his abstention from the vote be recorded)

C 22/13 NOTICE OF MOTION (22/02) SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE NO. 5.27

The Notice of Motion submitted under Council Procedure Rule No. 5.7 by Councillor A Clark on behalf of the Tonbridge and Malling Green Group was withdrawn as the proposals in respect of appointments to committees and the introduction of substitute Members had been addressed under Minute Number C 22/8.

C 22/14 LOCALISM ACT - PAY POLICY

Item GP 22/3 referred from General Purposes Committee minutes of 31 January 2022

RESOLVED: That the recommendation at Minute GP 22/3 be approved.

C 22/15 SETTING THE BUDGET 2022/23

Item CB 22/17 referred from the Cabinet minutes of 10 February 2022

It was proposed by Councillor Coffin and seconded by Councillor Boughton that the recommendations at Minute CB 22/17 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr Mrs J Anderson; Cllr Mrs S Bell; Cllr R Betts; Cllr T Bishop; Cllr M Boughton; Cllr P Boxall; Cllr V Branson; Cllr G Bridge; Cllr R Cannon; Cllr A Clark; Cllr M Coffin; Cllr D Cooper; Cllr A Cope; Cllr R Dalton; Cllr D Davis; Cllr M Davis; Cllr N Foyle; Cllr D Harman; Cllr P Hickmott; Cllr M Hood; Cllr F Hoskins; Cllr S Hudson; Cllr D Keers; Cllr Mrs A Kemp; Cllr A Kennedy; Cllr D King; Cllr J Lark; Cllr P Montague; Cllr Mrs A Oakley; Cllr W Palmer; Cllr M Rhodes; Cllr H Rogers; Cllr R Roud; Cllr J Sergison; Cllr K Tanner; Cllr Mrs M Tatton; Cllr G Thomas; Cllr D Thornewell; Cllr F Tombolis; and Cllr C Williams

Total = 40

Members voting against the motion: None

Total = 0

Members abstaining: None

Total = 0

(Total Members eligible to vote = 40)

RESOLVED: That the recommendations at Minute CB 22/17 be approved.

C 22/16 SETTING THE COUNCIL TAX 2022/23

Item CB 22/18 referred from Cabinet minutes of 10 February 2022

It was proposed by Councillor Coffin and seconded by Councillor Boughton that the recommendations at Minute CB 22/18 be adopted. In accordance with Council Procedure Rule No. 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr Mrs J Anderson; Cllr Mrs S Bell; Cllr R Betts; Cllr T Bishop; Cllr M Boughton; Cllr P Boxall; Cllr V Branson; Cllr G Bridge; Cllr R Cannon; Cllr A Clark; Cllr M Coffin; Cllr D Cooper; Cllr A Cope; Cllr R Dalton; Cllr D Davis; Cllr M Davis; Cllr N Foyle; Cllr D Harman; Cllr Hickmott; Cllr M Hood; Cllr F Hoskins; Cllr S Hudson; Cllr D Keers; Cllr Mrs A Kemp; Cllr A Kennedy; Cllr D King; Cllr J Lark; Cllr P Montague; Cllr Mrs A Oakley; Cllr W Palmer; Cllr M Rhodes; Cllr H Rogers; Cllr R Roud; Cllr J Sergison; Cllr K Tanner; Cllr Mrs M Tatton; Cllr G Thomas; Cllr D Thornewell; Cllr F Tombolis; and Cllr C Williams

Total = 40

Members voting against the motion: None

Total = 0

Members abstaining: None

Total = 0

(Total members eligible to vote = 40)

RESOLVED: That the recommendations at Minute CB 22/18 be approved and the Council Tax Resolution 2022/23, as set out as an Annex to these Minutes, be adopted.

C 22/17 LOCAL COUNCIL TAX REDUCTION SCHEME 2022/23

Item CB 22/19 referred from Cabinet minutes of 10 February 2022.

Member's attention was drawn to the supplementary report of the Director of Finance and Transformation which presented a revised Tonbridge & Malling Borough Council Working Age Local Council Tax Reduction Scheme 2022/23 to incorporate a disregard for the recently announced national Energy Rebate Scheme 2022.

RESOLVED: That the draft Local Council Tax Reduction Scheme 2022/23, as updated for the Energy Rebate Scheme be approved.

C 22/18 APPOINTMENT OF EXTERNAL AUDITORS

Item CB 22/22 referred from the Cabinet minutes of 10 February 2022.

RESOLVED: That the recommendations at Minute CB 22/22 be approved.

C 22/19 AUDITORS ANNUAL REPORT

Item CB 22/23 referred from the Cabinet minutes of 10 February 2022.

RESOLVED: That the recommendations at Minute CB 22/23 be approved.

C 22/20 RISK MANAGEMENT

Item CB 22/24 referred from the Cabinet minutes of 10 February 2022.

RESOLVED: That the recommendations at Minute CB 22/24 be approved.

C 22/21 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2022/23

Item CB 22/25 referred from the Cabinet minutes of 10 February 2022.

RESOLVED: That the recommendations at Minute CB 22/25 be approved.

C 22/22 MEMBERS SCHEME OF ALLOWANCES

Members considered whether the basic and special responsibility allowances payable for the 2022/23 financial year should be frozen.

The Leader reiterated that with an increasingly difficult financial situation, services would have to be prioritised in order to set a balanced budget and felt that freezing Member allowances until the 2023 elections was a reasonable proposal. It was reported that freezing allowances for 2022/23 would generate a budget saving of £8,150.

Reference was made to the process of establishing a new Joint Independent Remuneration Panel to review and make recommendations to Council on the future range and levels of remuneration for elected Members. The Panel was to be appointed jointly with Sevenoaks District Council and Tunbridge Wells Borough Council. It was expected that these recommendations would be brought forward for consideration in the 2022/23 municipal year.

RESOLVED: That the basic and special responsibility allowances for the 2022/23 municipal year be frozen at the current level.

C 22/23 APPOINTMENTS TO OUTSIDE BODIES

The report of the Director of Central Services and Deputy Chief Executive advised that a request had been received from the Petley and Deakins Almhouses Charity asking that Councillors A Clark and F Hoskins be considered as the Borough Council representatives.

The Charity was based in South Tonbridge and felt that the appointment of Councillors representing Judd and Vauxhall Wards would be beneficial.

RESOLVED: That

- (1) Councillor April Clark be appointed as a Trustee to the Petley and Deakins Almhouses for a four year term of office (until October 2025); and
- (2) Councillor Frani Hoskins be appointed as a Trustee to the Petley and Deakins Almhouses for a four year term of office (until October 2025)

MATTERS FOR INFORMATION**C 22/24 USE OF URGENCY PROVISIONS**

Details of a decision taken under urgency provisions in respect of the Tonbridge Town Centre Asset Review were set out on Decision Notice D220003URG for awareness.

RESOLVED: That the report be received and noted

C 22/25 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 9.30 pm

COUNCIL TAX

DRAFT RESOLUTION

1. It be noted that on 22nd February 2022 the Council calculated:
 - (a) the Council Tax Base 2022/23 for the whole Council area as 52,246.97 [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	13,852.84
Addington	437.45
Aylesford	4,399.76
Birling	199.22
Borough Green	1,723.53
Burham	471.90
Ditton	1,801.08
East Malling & Larkfield	5,041.67
East Peckham	1,316.95
Hadlow	1,553.43
Hildenborough	2,216.10
Ightham	1,112.27
Kings Hill	4,353.68
Leybourne	1,907.50
Mereworth	443.46
Offham	404.25
Platt	895.84
Plaxtol	593.86
Ryarsh	373.53
Shipbourne	267.57
Snodland	3,965.13
Stansted	281.01
Trottiscliffe	272.59
Wateringbury	941.40
West Malling	1,166.63
West Peckham	182.69
Wouldham	1,102.91
Wrotham	968.72

2. £11,729,399 being the Council Tax requirement for the Council's own purposes for 2022/23 (excluding Parish Precepts).

3. That the following amounts be calculated for the year 2022/23 in accordance with Sections 31 to 36 of the Act:

- (a) £88,780,622 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
- (b) £73,496,485 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £15,284,137 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) £292.54 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) £4,535,853 being the aggregate amount of all special items (Special expenses and Parish precepts) referred to in Section 34(1) of the Act.
- (f) £205.72 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>	£
Tonbridge	268.33
Addington	263.03
Aylesford	269.74
Birling	266.95
Borough Green	344.83
Burham	264.88
Ditton	357.76
East Malling & Larkfield	293.94
East Peckham	317.13
Hadlow	286.92
Hildenborough	260.49
Ightham	320.22
Kings Hill	329.01
Leybourne	327.88
Mereworth	287.43
Offham	263.90
Platt	294.43
Plaxtol	294.94
Ryarsh	274.67
Shipbourne	251.22
Snodland	296.23
Stansted	268.99
Trottscliffe	286.43
Wateringbury	320.04
West Malling	322.56
West Peckham	238.02
Wouldham	275.85
Wrotham	325.42

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	178.89	208.70	238.51	268.33	327.96	387.59	447.22	536.66
Addington	175.35	204.58	233.80	263.03	321.48	379.93	438.38	526.06
Aylesford	179.83	209.80	239.77	269.74	329.68	389.62	449.57	539.48
Birling	177.97	207.62	237.29	266.95	326.28	385.60	444.92	533.90
Borough Green	229.89	268.20	306.51	344.83	421.46	498.09	574.72	689.66
Burham	176.59	206.01	235.45	264.88	323.75	382.60	441.47	529.76
Ditton	238.51	278.25	318.01	357.76	437.27	516.77	596.27	715.52
East Malling & Larkfield	195.97	228.61	261.28	293.94	359.27	424.58	489.91	587.88
East Peckham	211.43	246.65	281.89	317.13	387.61	458.07	528.56	634.26
Hadlow	191.28	223.16	255.04	286.92	350.68	414.44	478.20	573.84
Hildenborough	173.66	202.60	231.54	260.49	318.38	376.26	434.15	520.98
Ightham	213.48	249.06	284.64	320.22	391.38	462.54	533.70	640.44
Kings Hill	219.34	255.89	292.45	329.01	402.13	475.24	548.35	658.02
Leybourne	218.59	255.02	291.44	327.88	400.74	473.61	546.47	655.76
Mereworth	191.62	223.55	255.49	287.43	351.31	415.18	479.05	574.86
Offham	175.94	205.25	234.58	263.90	322.55	381.19	439.84	527.80
Platt	196.29	229.00	261.72	294.43	359.86	425.29	490.72	588.86
Plaxtol	196.63	229.39	262.17	294.94	360.49	426.02	491.57	589.88
Ryarsh	183.12	213.63	244.15	274.67	335.71	396.74	457.79	549.34
Shipbourne	167.48	195.39	223.30	251.22	307.05	362.87	418.70	502.44
Snodland	197.49	230.40	263.31	296.23	362.06	427.88	493.72	592.46
Stansted	179.33	209.21	239.10	268.99	328.77	388.54	448.32	537.98
Trottscliffe	190.96	222.77	254.60	286.43	350.09	413.73	477.39	572.86
Wateringbury	213.37	248.92	284.48	320.04	391.16	462.27	533.41	640.08
West Malling	215.04	250.88	286.72	322.56	394.24	465.92	537.60	645.12
West Peckham	158.68	185.12	211.57	238.02	290.92	343.81	396.70	476.04
Wouldham	183.91	214.55	245.20	275.85	337.15	398.44	459.76	551.70
Wrotham	216.95	253.10	289.26	325.42	397.74	470.05	542.37	650.84

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 2022/23 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	152.10	177.45	202.80	228.15	278.85	329.55	380.25	456.30
Kent & Medway Fire & Rescue Authority	54.90	64.05	73.20	82.35	100.65	118.95	137.25	164.70
Kent County Council	974.16	1,136.52	1,298.88	1,461.24	1,785.96	2,110.68	2,435.40	2,922.48

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 2022/23, 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	1,360.05	1,586.72	1,813.39	2,040.07	2,493.42	2,946.77	3,400.12	4,080.14
Addington	1,356.51	1,582.60	1,808.68	2,034.77	2,486.94	2,939.11	3,391.28	4,069.54
Aylesford	1,360.99	1,587.82	1,814.65	2,041.48	2,495.14	2,948.80	3,402.47	4,082.96
Birling	1,359.13	1,585.64	1,812.17	2,038.69	2,491.74	2,944.78	3,397.82	4,077.38
Borough Green	1,411.05	1,646.22	1,881.39	2,116.57	2,586.92	3,057.27	3,527.62	4,233.14
Burham	1,357.75	1,584.03	1,810.33	2,036.62	2,489.21	2,941.78	3,394.37	4,073.24
Ditton	1,419.67	1,656.27	1,892.89	2,129.50	2,602.73	3,075.95	3,549.17	4,259.00
East Malling & Larkfield	1,377.13	1,606.63	1,836.16	2,065.68	2,524.73	2,983.76	3,442.81	4,131.36
East Peckham	1,392.59	1,624.67	1,856.77	2,088.87	2,553.07	3,017.25	3,481.46	4,177.74
Hadlow	1,372.44	1,601.18	1,829.92	2,058.66	2,516.14	2,973.62	3,431.10	4,117.32
Hildenborough	1,354.82	1,580.62	1,806.42	2,032.23	2,483.84	2,935.44	3,387.05	4,064.46
Ightham	1,394.64	1,627.08	1,859.52	2,091.96	2,556.84	3,021.72	3,486.60	4,183.92
Kings Hill	1,400.50	1,633.91	1,867.33	2,100.75	2,567.59	3,034.42	3,501.25	4,201.50
Leybourne	1,399.75	1,633.04	1,866.32	2,099.62	2,566.20	3,032.79	3,499.37	4,199.24
Mereworth	1,372.78	1,601.57	1,830.37	2,059.17	2,516.77	2,974.36	3,431.95	4,118.34
Offham	1,357.10	1,583.27	1,809.46	2,035.64	2,488.01	2,940.37	3,392.74	4,071.28
Platt	1,377.45	1,607.02	1,836.60	2,066.17	2,525.32	2,984.47	3,443.62	4,132.34
Plaxtol	1,377.79	1,607.41	1,837.05	2,066.68	2,525.95	2,985.20	3,444.47	4,133.36
Ryarsh	1,364.28	1,591.65	1,819.03	2,046.41	2,501.17	2,955.92	3,410.69	4,092.82
Shipbourne	1,348.64	1,573.41	1,798.18	2,022.96	2,472.51	2,922.05	3,371.60	4,045.92
Snodland	1,378.65	1,608.42	1,838.19	2,067.97	2,527.52	2,987.06	3,446.62	4,135.94
Stansted	1,360.49	1,587.23	1,813.98	2,040.73	2,494.23	2,947.72	3,401.22	4,081.46
Trottscliffe	1,372.12	1,600.79	1,829.48	2,058.17	2,515.55	2,972.91	3,430.29	4,116.34
Wateringbury	1,394.53	1,626.94	1,859.36	2,091.78	2,556.62	3,021.45	3,486.31	4,183.56
West Malling	1,396.20	1,628.90	1,861.60	2,094.30	2,559.70	3,025.10	3,490.50	4,188.60
West Peckham	1,339.84	1,563.14	1,786.45	2,009.76	2,456.38	2,902.99	3,349.60	4,019.52
Wouldham	1,365.07	1,592.57	1,820.08	2,047.59	2,502.61	2,957.62	3,412.66	4,095.18
Wrotham	1,398.11	1,631.12	1,864.14	2,097.16	2,563.20	3,029.23	3,495.27	4,194.32

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 23rd February, 2022

Present: Cllr H S Rogers (Chairman), Cllr P Boxall, Cllr C Brown, Cllr M A Coffin, Cllr D Harman, Cllr S A Hudson, Cllr Mrs F A Kemp, Cllr W E Palmer, Cllr T B Shaw, Cllr K B Tanner and Cllr M Taylor

(Note: As Councillors Mrs J Anderson, B Luker, P J Montague and J L Sergison were unable to attend in person and participated via MS Teams they were unable to vote on any matters).

Apologies for absence were received from Councillors R P Betts and N G Stapleton.

PART 1 - PUBLIC

AP2 22/6 DECLARATIONS OF INTEREST

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

AP2 22/7 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 19 January 2022 be approved as a correct record and signed by the Chairman.

AP2 22/8 GLOSSARY AND SUPPLEMENTARY MATTERS

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.

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

**AP2 22/9 (A) TM/21/01995/RM AND (B) TM/21/02002/RM - KINGS HILL,
WEST MALLING**

Application (A) Reserved Matters application pursuant to conditions 1, 6, 7, 8, 9, 10 and 11 of outline planning permission TM/18/03030/OAEA (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)).

Application (B) Reserved Matters application pursuant to conditions 1 (reserved matters), 6 (materials), 7 (finished floor levels), 8 (landscaping), 9 (amenity space), 10 (arboricultural report), and 11 (landscape and ecological management plan) of outline planning permission TM/18/03033/OAEA for details of the 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

- (1) the Reserved Matters Application (A) TM/21/01995/RM be APPROVED 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 following:

Amended informative:

2. The developer is strongly encouraged to consider all available opportunities for incorporating renewable energy technologies, particularly solar panels, into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.

Additional Informatives:

8. The applicant is encouraged to reevaluate the parking plan to incorporate additional car parking spaces including the use of tandem parking where possible and to ensure the residents parking spaces are provided on an allocated basis.
9. The applicant is encouraged to liaise with Kent County Council and the owners/managers of the wider Kings Hill Area to create better pedestrian connectivity from the site

to the central area and local schools including the provision of a pedestrian crossing across King Hill Avenue.

- (2) the Reserve Matters Application (B) TM/21/02002/RM be APPROVED 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 following:

Amended informative:

2. The developer is strongly encouraged to consider all available opportunities for incorporating renewable energy technologies, particularly solar panels, into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.

Additional Informatives:

8. The applicant is encouraged to reevaluate the parking plan to incorporate additional car parking spaces including the use of tandem parking where possible and to ensure the residents parking spaces are provided on an allocated basis.
9. The applicant is encouraged to liaise with Kent County Council and the owners/managers of the wider Kings Hill Area to create better pedestrian connectivity from the site to the central area and local schools including the provision of a pedestrian crossing across King Hill Avenue.
10. The applicant is encouraged to install boundary treatments of at least 1.2m in height along the boundaries of neighbouring commercial premises.

[Speakers: A statement was read out on behalf of Mr H Buttle (member of the public) and a verbal statement was made by Mr M Besant (on behalf of the applicant).]

AP2 22/10 TM/21/02301/FL - AREA 14 KINGS HILL PHASE 3, GIBSON DRIVE, KINGS HILL

Erection of a Class E retail unit with access, car parking and associated works.

RESOLVED: That the application 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 amendment of conditions 2 and 16 and the addition of Informative 4 as set out below:

(1) Amended Conditions:

2. This decision refers to the red-edged site location plan, drawings numbered Block Plan 17139 101C dated 23.08.2021, Site Plan 17139 102B dated 23.08.2021, Demolition Plan 17139 109B dated 23.08.2021, Sections 17139 115A dated 23.08.2021, Boundary Treatment 17139 121F dated 23.08.2021, Landscaping 17139-VL_L01C dated 23.08.2021, Location Plan 17139 100C dated 23.08.2021, Artist's Impression 17139 SHP KINGS HILL M_01 CGI_02 dated 23.08.2021, Planning Statement dated 23.08.2021, Other dated 23.08.2021, Statement Energy Rev 2 dated 23.08.2021, Other LCA (Concept Design)_Rev 2 dated 23.08.2021, Desk Study Assessment P1 dated 23.08.2021, Desk Study Assessment P2 dated 23.08.2021, Desk Study Assessment P3 dated 23.08.2021, Design and Access Statement 17139 01 dated 23.08.2021, Waste Management Strategy 17139-WRS01 dated 23.08.2021, Flood Risk Assessment 3787 366 dated 23.08.2021, Ecological Assessment 9729 dated 23.08.2021, Other Appendix A dated 23.08.2021, Other Appendix B dated 23.08.2021, Other Appendix C dated 23.08.2021, Other Appendix D dated 23.08.2021, Other Appendix E dated 23.08.2021, Other Appendix F dated 23.08.2021, Other Appendix G dated 23.08.2021, Other Appendix H dated 23.08.2021, Transport Assessment dated 23.08.2021, Travel Plan dated 23.08.2021, Lighting External dated 23.08.2021, Report Pre Assessment dated 23.08.2021, Noise Assessment R1(FINAL)-18.8.21 dated 23.08.2021, Report SGN Manual V3 dated 23.08.2021, Statement 20210816 Community Involvement dated 23.08.2021, Tree Protection Plan 21055-4-PDF dated 23.08.2021, Arboricultural Assessment 21055-AA3-JB dated 23.08.2021, Floor Plan 17139 111B dated 21.01.2022, Proposed Roof Plan 17139 112B dated 21.01.2022, Proposed Elevations 17139 113E dated 21.01.2022, Proposed Elevations 17139 114F dated 21.01.2022, Other Note to officer dated 21.01.2022, Other Planting palette dated 21.01.2022, Other Validity of traffic survey dated 21.01.2022, Site Plan 17139 110K dated 07.02.2022, The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

16. The development shall be carried out in accordance with all of the recommendations contained within the Preliminary

Ecological Appraisal dated April 2021 reference 9729.PEA.vf and as shown on drawing 17139-110 Rev K.

Reason: To ensure that the development is carried out in accordance with the plans and documents hereby approved.

(2) Additional informative:

4. The applicant is encouraged to investigate whether a left turn in and left turn out arrangement for the proposed junction between the site's access road and Alexander Grove would help to manage vehicular access to and from the site.

[Speakers: A statement was read out on behalf of Mr D Rush (member of the public) and a verbal statement was made Mr D Pannell (on behalf of the Applicant).]

AP2 22/11 EXCLUSION OF PRESS AND PUBLIC

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

AP2 22/12 TM/21/02301/FL - AREA 14 KINGS HILL PHASE 3, GIBSON DRIVE, KINGS HILL

Erection of a Class E retail unit with access, car parking and associated works.

RESOLVED: That the report be received for information.

The meeting ended at 9.15 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

MINUTES

Tuesday, 8th March, 2022

Present: Cllr C Brown (Chairman), Cllr Mrs F A Kemp (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr A E Clark, Cllr M A Coffin, Cllr D W King, Cllr H S Rogers, Cllr R V Roud and Cllr C J Williams.

(Note: As Councillors M Taylor and F G Tombolis were unable to attend in person and participated via MS Teams, they were unable to vote on any matters).

Councillors D Harman and M A J Hood participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor Mrs A S Oakley.

PART 1 - PUBLIC

LA 22/5 NOTIFICATION OF SUBSTITUTE MEMBERS

There was no notification of substitute members.

LA 22/6 DECLARATIONS OF INTEREST

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

LA 22/7 MINUTES

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee held on 14 December 2021 and 26 January 2022 be approved as a correct record and signed by the Chairman.

MATTER FOR RECOMMENDATION TO THE COUNCIL

LA 22/8 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES FOR GAMBLING

The report of the Director of Central Services and Monitoring Officer gave details of the outcome of consultation on the proposed Statement of Principles (Policy) for Gambling under the Gambling Act 2005 for 2022 to 2025. Members were advised that only one representation had

been received from the Fire Risk and Inspection Team informing of a new address and email address to use as a Responsible Authority.

RECOMMENDED: That the draft Statement of Principles for Gambling for 2022 to 2025, as set out at the Annex to the report, be approved. 

***Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS

LA 22/9 REVIEW THE CURRENT STREET TRADING POLICY

The report of the Director of the Director of Central Services and Deputy Chief Executive asked Members to consider various options with regards to street trading. The current policy had been in force since December 2009 and it was felt that the policy should be reviewed and updated. Guidance notes which formed the current street trading policy and associated legislation were attached as annexes to the report.

RESOLVED: That consideration be given to a change to the Street Trading Policy to adopt the whole borough as consent streets and a new policy be presented to the next meeting of the Licensing and Appeals Committee for consideration prior to commencing the consultation process.

LA 22/10 OBJECTION TO HACKNEY CARRIAGE FARES SET ON 29 JANUARY 2022

The report of the Director of Central Services and Deputy Chief Executive invited Members to consider the objection received to the increase in Hackney Carriage Fares. Subsequent to the meeting, a number of errors were identified in the report in paragraphs 1.1.1.to 1.1.3 regarding dates.

It was noted that following Members' agreement on the 26 January 2022 to increase Hackney Carriage Fares, the proposed increase was advertised for 14 days, commencing on 3 February 2022. During this period, one objection to the fare increase was received as detailed in Annex 3 to the report.

To assist Members in their consideration, the Head of Licensing provided a suggested table of fares which took account of the current fuel crisis and increasing fuel costs. During discussion, Members felt that a further delay in a resolution would negatively impact on the livelihood of Hackney Carriage drivers in the current economic climate.

RESOLVED: That

- (1) the objection to the increase in Hackney Carriage Fares not be upheld and the increase to the fares, as agreed on the 26 January 2022, take immediate effect; and
- (2) an extraordinary meeting of the Licensing and Appeals Committee be held to review the Hackney Carriage Fares in response to increasing fuel costs.

MATTER SUBMITTED FOR INFORMATION**LA 22/11 VERBAL UPDATE ON THE CONSULTATION ON AIR QUALITY**

It was noted that as no update was available, the item would be considered at the next meeting.

LA 22/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.42 pm.

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 10th March, 2022

Present: Cllr M O Davis (Vice-Chairman, in the Chair), Cllr Mrs A S Oakley (Vice-Chairman), Cllr S Bell Cllr R I B Cannon, Cllr A Cope, Cllr R W Dalton, Cllr F A Hoskins, Cllr S A Hudson, Cllr Mrs F A Kemp, Cllr D W King, Cllr J R S Lark, Cllr M Taylor, Cllr F G Tombolis,

Councillors S Bell, D Harman, M A J Hood and B J Luker were in attendance as substitute members in accordance with Council Procedure Rule 17.

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

Councillors R Betts, M D Boughton, P Boxall, V M C Branson, D Keers, P J Montague, M R Rhodes, K B Tanner and Mrs M Tatton participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors J L Sergison, M C Base, H S Rogers, N G Stapleton and D Thornewell

PART 1 - PUBLIC

OS 22/9 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitutes members were recorded as set out below:

Cllr D Harman - substitute for Cllr Base
Cllr B Luker - substitute for Cllr Sergison
Cllr M Hood - substitute for Cllr Stapleton
Cllr S Bell – substitute for Cllr Brown

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 22/10 DECLARATIONS OF INTEREST

For reasons of transparency, Councillor Mrs Dean, who was not a member of the Committee and therefore had no voting rights, advised that she was Chairman of West Malling Parish Council whose response

in respect of the transfer of public toilets would be considered under agenda item 7. As this did not represent a Disclosable Pecuniary or Other Significant Interest there was no requirement to leave the meeting.

OS 22/11 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 18 January 2022 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 22/12 PUBLIC TOILETS

The report of the Director of Street Scene, Leisure and Technical Services provided an update on the current position regarding Borough Council owned public toilets in Hadlow, Snodland and West Malling. A proposed way forward for each was set out in the report.

Careful consideration was given to the written response of West Malling Parish Council which detailed their views in respect of the future of the public toilets in the town centre. Reference was made to the current location of the facilities, the temporary funding arrangements organised by the local County Member and the views of local residents, businesses and visitors. It was felt by the parish council that the permanent closure of the public toilets would have implications for footfall and discourage people from visiting the shops, the Farmers Market and the various events held throughout the year.

The Committee recognised that there was no funding allocated to public toilets in these locations after 2020/21 and this position had been approved when setting the budget for 2022/23. Any changes in arrangements would represent budget growth.

In conclusion the wishes of West Malling Parish Council had to be balanced against the Borough Council's difficult financial position and the views of other parish/town councils to ensure a consistent approach was applied across the Borough.

However, the Borough Council remained open to exploring alternative venues, grant funding streams, outside of the Borough Council, and community toilet schemes with West Malling Parish Council.

RECOMMENDED: That

- (1) it be noted that the future of the toilets in Borough Green, Wrotham, Tonbridge, Larkfield, East Peckham and Aylesford, as set out in 1.1.2 of the report, was resolved;

- (2) the toilets in Hadlow and Snodland remain closed and that a report be taken to a future meeting of the Finance, Innovation and Property Advisory Board to consider alternative uses and/or disposal; and
- (3) in respect of West Malling, the toilets remain open until July 2022, as funded under the current arrangement with the County Member, and a further report be taken to the Finance, Innovation and Property Advisory Board to consider alternative uses and/or disposal.

***Referred to Cabinet**

OS 22/13 EQUALITY POLICY STATEMENTS AND OBJECTIVES

The report of the Chief Executive presented an updated Equality Policy Statement which set out the organisations objectives and areas of focus and action.

The Borough Council continued to take a proportionate approach to responding to its duties under the Equality Act (2010) reflecting the demographics of its communities.

It was proposed that four equality objectives, detailed in Annex 1, be adopted. These were:

- Training
- Equality of Opportunity
- Employment
- Housing (Temporary Housing Support)

RECOMMENDED: That the updated Equality Policy Statement and Objectives, set out in Annex 1 to the report and summarised above, be approved.

***Referred to Cabinet**

OS 22/14 SCRUTINY TRAINING

Consideration was given to a proposal in respect of training for Members of the Overview and Scrutiny Committee as it was recognised that the Borough Councils difficult financial position required effective scrutiny, robust challenge and informed decision making.

It was proposed that a Member development session be held one evening at the Council offices and that all Members of the Overview and Scrutiny Committee would be strongly encouraged to attend. Further details of the proposal were set out in Annex 1.

Reference was made to the financial and value for money considerations and the proposal was considered 'essential spend' given the challenges ahead.

RECOMMENDED: That the approach to training as set out in the report, and detailed in Annex 1, be endorsed.

***Referred to Cabinet**

MATTERS FOR INFORMATION

OS 22/15 BUDGETARY CHANGES AND STRATEGIC RISK REGISTER

Careful consideration was given to the report of Management Team which provided high level information in terms of the budget position and direction of travel. Members were also directed to the red rated risks on the Strategic Risk Register.

Reference was made to the potential areas of risk that could arise as a consequence of the ongoing conflict in the Ukraine. These included increased prices for fuel and energy.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 22/16 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.15 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 15th March, 2022

Present: Cllr M D Boughton (Chairman), Cllr V M C Branson, Cllr M A Coffin, Cllr D Keers, Cllr P J Montague and Cllr K B Tanner

Councillors Mrs J A Anderson, P Bates, R I B Cannon, D Harman, S A Hudson, W E Palmer, M R Rhodes and H S Rogers participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Access to Information Rule No 23.

An apology for absence was received from Councillor R P Betts.

PART 1 - PUBLIC

CB 22/34 DECLARATIONS OF INTEREST

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

CB 22/35 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 10 February 2022 be approved as a correct record and signed by the Chairman.

CB 22/36 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 8 February 2022
- Communities and Housing Advisory Board of 15 February 2022
- Economic Regeneration Advisory Board of 16 February 2022
- Planning and Transportation Advisory Board of 1 March 2022

RESOLVED: That the report be received and noted.

CB 22/37 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 27 January 2022
- Joint Transportation Board of 7 March 2022

The Notes of the Tonbridge Community Forum held on 28 February 2022 would be presented to the next meeting of Cabinet.

EXECUTIVE KEY DECISIONS**CB 22/38 LOCAL PLAN UPDATE**

Decision Notice: D220034CAB

Consideration was given to the recommendations of the Planning and Transportation Advisory Board meeting held on 1 March 2022 (PE 22/5).

RESOLVED: That

- (1) the contents of the report be noted; and
- (2) the Local Development Scheme appended at Annex 2 be agreed.

CB 22/39 ON-STREET PARKING FEES AND CHARGES

Decision Notice: D220035CAB

Consideration was given to the recommendations of the Joint Transportation Board meeting held on 7 March 2022 (JTB 22/3).

RESOLVED: That

- (1) the consultation for proposed on-street parking fees and charges be progressed as outlined in the report; and
- (2) the outcomes of the consultation be reported to the next meeting of the Joint Transportation Board.

EXECUTIVE NON-KEY DECISIONS**CB 22/40 DEVELOPMENT MANAGEMENT PROTOCOLS**

Decision Notice: D220036CAB

Consideration was given to the recommendations of the Planning and Transportation Advisory Board meeting held on 1 March 2022 (PE 22/5).

RESOLVED: That

- (1) the protocols at Annexes 1 and 2 be adopted for Development Management purposes, with final approval for any changes required to the documents before publication, or any minor changes required to keep the protocols up to date with legislation, be delegated to the Director for Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Infrastructure; and
- (2) a report on arrangements for public speaking be presented to a future meeting of the Planning and Transportation Advisory Board for further consideration.

CB 22/41 PUBLIC TOILETS

Decision Notice: D220037CAB

Consideration was given to the recommendations of the Overview and Scrutiny Committee meeting of 10 March 2022 (OS 22/13).

RESOLVED: That

- (1) it be noted that the future of the toilets in Borough Green, Wrotham, Tonbridge, Larkfield, East Peckham and Aylesford, as set out in 1.1.2 of the report, was resolved;
- (2) the toilets in Hadlow and Snodland remain closed and that a report be taken to a future meeting of the Finance, Innovation and Property Advisory Board to consider alternative uses and/or disposal; and
- (3) in respect of West Malling, the toilets remain open until July 2022, as funded under the current arrangement with the County Member, and a further report be taken to the Finance, Innovation and Property Advisory Board to consider alternative uses and/or disposal.

CB 22/42 EQUALITY POLICY STATEMENTS AND OBJECTIVES

Decision Notice: D22038CAB

Consideration was given to the recommendation of the Overview and Scrutiny Committee meeting of 10 March 2022 (OS 22/13).

RESOLVED: That the updated Equality Policy Statement and Objectives, set out in Annex 1 to the report and summarised above, be approved.

CB 22/43 SCRUTINY TRAINING

Decision Notice: D220039CAB

Consideration was given to the recommendation of the Overview and Scrutiny Committee meeting held on 10 March 2022 (OS 22/14).

RESOLVED: That the approach to training as set out in the report, and detailed in Annex 1, be endorsed.

CB 22/44 ENERGY REBATE SCHEME 2022

Decision Notice: D220040CAB

The report advised the Cabinet of the Government's Energy Rebate Scheme 2022 and sought approval of policies for its implementation within Tonbridge and Malling.

Attention was drawn to the Borough Council's role as a billing authority in providing a cash payment (grant) of £150 in April to council taxpayers in properties with a Band A, B, C or D. Payment was a grant and not expected to be repaid by the recipient.

In addition, the Government had announced that billing authorities were required to administer a discretionary fund for taxpayers whose properties did not fall into Bands A-D but who otherwise might fall into financial hardship as a result of the rise in the energy price cap.

RESOLVED: That

- (1) the arrangements underway in order to deliver phase 1 of the national Energy Rebate Scheme be noted;
- (2) the Energy Rebate Scheme 2022 for Tonbridge and Malling for those properties in Bands A – D as set out in the supplementary paper be approved; and
- (3) delegated authority be given to the Director of Finance and Transformation, in liaison with the Leader and Cabinet Member

for Finance, Innovation and Property, to agree the discretionary policy for those properties not in Bands A-D.

MATTERS SUBMITTED FOR INFORMATION

CB 22/45 DECISIONS TAKEN UNDER EMERGENCY OR URGENCY PROVISIONS

Details of the Decisions taken in accordance with emergency and/or urgency provisions were presented for information.

RESOLVED: That the report be received and noted.

CB 22/46 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

MATTERS FOR RECOMMENDATION TO COUNCIL

CB 22/47 REPLACEMENT OF UNIFORM SYSTEMS

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

The report advised the Cabinet of the procurement exercise to replace the current Uniform application which was used for a number of key frontline services within the authority. It was anticipated that ongoing revenue savings from 2023/24 could be achieved and approval was sought for the use of 'Invest to Save' funds for the implementation of a new system during 2022/23.

RECOMMENDED: That

- (1) The outcome of the procurement process and the planning implementation programme, as set out in the report, be noted;
- (2) The estimated annual saving of circa £50,000 compared to the current software platform from 2023/24 be noted; and
- (3) The use of £100,000 from the Invest to Save Reserve be approved to support the implementation and training programme.

***Referred to Council**

EXECUTIVE NON-KEY DECISIONS**CB 22/48 DEBTS FOR WRITE OFF**

Decision Notice D220041CAB

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

The report sought approval for the writing off of debts that were considered to be irrecoverable.

RESOLVED: That the four items shown in the schedule of amounts over £5,000 (set out at Annex 1) totalling £71,513.17 be written off the reason stated within the schedule.

The meeting ended at 8.15 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Strategic Planning and Infrastructure

**Decision No:
D220030MEM**

Date: 01 March 2022

Decision(s) and Reason(s)

Infrastructure Delivery Plan including Active Travel Strategy Update

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

The report provided an update on the Borough Council's Infrastructure Delivery Plan and Active Travel Strategy. The Plan was regularly updated to reflect the Council's progressing Local Plan and the revised business, service and delivery plans of infrastructure and service providers. Consideration was given to a consultation document that outlined the proposals and the full draft Strategy would be informed by the feedback received and presented for Member consideration to adopt/endorse by the Local Authority and Kent County Council through relevant committees later in 2022.

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

- (1) the adoption of the Infrastructure Delivery Plan for development management and economic regeneration purposes be approved;
- (2) the Active Travel (cycle routes) consultation exercise be approved; and
- (3) the consultation would inform the production of an Active Travel Strategy and would be reported to Members later in 2022.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 1 March 2022

Signed Cabinet Member for Strategic Planning and Infrastructure;
Leader:

M Boughton

Signed Chief Executive:

J Beilby

Date of publication:

4 March 2022

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 Technical and Waste Services

**Decision No:
D220031MEM**

Date: 07 March 2022

Decision(s) and Reason(s)

Kings Hill Parking Review

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

Members received an update on the outcome of the recent formal consultation on a parking review for Kings Hill. A large number of responses had been received and these were detailed in the report.

Careful consideration was given to the level of need within the community to manage and regulate parking. Members also had regard to the strength of feeling set out in the consultation responses. However, it was recognised that the Borough Council's parking review would be unable to address the historic planning issues in the area. It was also recognised that the proposals were based on the principles of the Highway Code and were intended to maintain access through the estate in a safe manner for residents, public transport providers and emergency services.

Following consideration by the Joint Transportation Board, the Cabinet Member for Technical and Waste Services resolved that:

- (1) the significant number of formal consultation responses received be noted;
and
- (2) in principle, the objections received should be set aside and the proposed changes, as set out in the Traffic Regulation Order (attached at Annex 2), be supported, with implementation delayed to allow further consideration of proposals for yellow lines in relation to Milton Lane and Hazen Road.

Reasons: As set out in the report submitted to the Joint Transportation Board of 7 March 2022

Signed Cabinet Member for
Technical and Waste Services

P Montague

Signed Leader:

M Boughton

Signed Chief Executive:

J Beilby

Date of publication:

11 March 2022

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 Technical and Waste Services

**Decision No:
D220032MEM**

Date: 07 March 2022

Decision(s) and Reason(s)

Parking Action Plan, Access Group 6

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

The report covered the formal consultation on proposals in Access Group 6, a subset of the Parking Action Plan, where the Borough Council had applied a streamline process for the consideration and promotion of minor changes to the Traffic Regulation Order.

A list of all the locations, the issues raised and a recommendation for each was set out in Annex 1.

Following consideration by the Joint Transportation Board, the Cabinet Member for Technical and Waste Services resolved that:

- (1) the recommendations for each location in Access Group 6, shown in Annex 1, be adopted and where appropriate the proposals be implemented.

Reasons: As set out in the report submitted to the Joint Transportation Board of 7 March 2022

Signed Cabinet Member for
Technical and Waste Services

P Montague

Signed Leader:

M Boughton

Signed Chief Executive:

J Beilby

Date of publication:

11 March 2022

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

Date: 07 March 2022

Decision(s) and Reason(s)

Parking Action Plan, Phase 13

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

The report covered the investigation and informal consultation stage of the parking restriction proposals contained in Phase 13 of the Parking Action Plan and sought approval to proceed to formal consultation. A list of all the locations, the issues raised and a recommendation for each was set out in Annex 1.

The views of local members were sought on a number of recommendations and where appropriate and/or practical these would be reflected in the final proposals.

Following consideration by the Joint Transportation Board, the Cabinet Member of Technical and Waste Services resolved that:

- (1) the recommendations for locations Ph 13-01 to 13-11, 13-13, 13-15, 13-16, 13-20, 13-22, 13-23, 13-25, 13-26 and 13-30 to 13-33 for Phase 13, as set out in Annex 1 to the report, be adopted and where appropriate the proposals be taken forward to formal consultation; and
- (2) the views of local members having been sought; the following recommendations be adopted:
 - (i) Ph 13-12 (Upper Mill/Mill Street, East Malling) the proposal be amended if practicable to reflect a short extension to double yellow lines in Upper Mill and taken forward to formal consultation;
 - (ii) Ph 13-14 (98 Lunsford Lane, Larkfield) the proposal be taken forward to formal consultation;
 - (iii) Ph 13-17 (The Croft, Leybourne) the proposal be taken forward to formal consultation;
 - (iv) Ph 13-18 (Ashburnham Road, Tonbridge) the proposals be taken forward to formal consultation;
 - (v) Ph 13-19 (Chiltern Way/Cheviot Close, Tonbridge) the proposals be taken forward to formal consultation;

- (vi) Ph 13-21(Priory Road, Tonbridge) the proposals be taken forward to formal consultation;
- (vii) Ph 13-24 (Vale Rise and Woodgate Way, Tonbridge) the proposals be taken forward to formal consultation;
- (viii) Ph 13-27 (44-46 Woodbury Road, Walderslade) the proposals be taken forward to formal consultation;
- (ix) Ph 13-28 (Churchfields, West Malling) the proposal be abandoned; and
- (x) Ph 13-29 (A20 London Road, Wrotham) the proposals be taken forward to formal consultation

Reasons: As set out in the report submitted to the Joint Transportation Board of 7 March 2022

Signed Cabinet Member for
Technical and Waste Services

P Montague

Signed Leader:

M Boughton

Signed Chief Executive:

J Beilby

Date of publication:

11 March 2022

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: D220034CAB

Decision Type: Key

Date: 15 March 2022

Decision(s) and Reason(s)

Local Plan Update

Consideration of recommendations (PE 22/5) to the Cabinet from the meeting of the Planning and Transportation Board of 1 March 2022.

The Cabinet resolved that:

- (1) the contents of the report be noted; and
- (2) the Local Development Scheme appended at Annex 2 be agreed

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 1 March 2022

Signed Chief Executive: J Beilby

Date of publication: 18 March 2022

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: D220035CAB
Decision Type: Key
Date: 15 March 2022

Decision(s) and Reason(s)

On-Street Parking Fees and Charges

Consideration of recommendations (JTB 22/3) to Cabinet from the meeting of the Joint Transportation Board of 7 March 2022.

The Cabinet resolved that:

- (1) the consultation for proposed on-street parking fees and charges be progressed as outlined in the report; and
- (2) the outcomes of the consultation be reported to the next meeting of the Joint Transportation Board

Reasons: As set out in the report submitted to the Joint Transportation Board of 7 March 2022

Signed Chief Executive: J Beilby

Date of publication: 18 March 2022

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: D220036CAB
Decision Type: Non Key
Date: 15 March 2022

Decision(s) and Reason(s)

Development Management Protocols

Consideration of recommendations (PE 22/5) to the Cabinet from the meeting of the Planning and Transportation Advisory Board of 1 March 2022.

The Cabinet resolved that:

- (1) the protocols at Annexes 1 and 2 be adopted for Development Management purposes, with final approval for any changes required to the documents before publication, or any minor changes required to keep the protocols up to date with legislation, be delegated to the Director for Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Infrastructure; and
- (2) a report on arrangements for public speaking be presented to a future meeting of the Planning and Transportation Advisory Board for further consideration.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 7 March 2022

Signed Chief Executive: J Beilby

Date of publication: 18 March 2022

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: D220037CAB
Decision Type: Non Key
Date: 15 March 2022

Decision(s) and Reason(s)

Public Toilets

Consideration of recommendation (OS 22/13) to Cabinet from the meeting of the Overview and Scrutiny Committee of 10 March 2022.

The Cabinet resolved that:

- (1) it be noted that the future of the toilets in Borough Green, Wrotham, Tonbridge, Larkfield, East Peckham and Aylesford, as set out in 1.1.2 of the report, was resolved;
- (2) the toilets in Hadlow and Snodland remain closed and that a report be taken to a future meeting of the Finance, Innovation and Property Advisory Board to consider alternative uses and/or disposal; and
- (3) in respect of West Malling, the toilets remain open until July 2022, as funded under the current arrangement with the County Member, and a further report be taken to the Finance, Innovation and Property Advisory Board to consider alternative uses and/or disposal.

Reasons: As set out in the report submitted to the Overview and Scrutiny Committee of 10 March 2022

Signed Chief Executive: J Beilby

Date of publication: 18 March 2022

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: D22038CAB
Decision Type: Non Key
Date: 15 March 2022

Decision(s) and Reason(s)

Equality Policy Statements and Objectives

Consideration of recommendation (OS 22/13) to the Cabinet from the meeting of the Overview and Scrutiny Committee of 10 March 2022.

The Cabinet resolved that the updated Equality Policy Statement and Objectives, set out in Annex 1 to the report and summarised above, be approved.

Reasons: As set out in the report submitted to the Overview and Scrutiny Committee of 10 March 2022

Signed Chief Executive: J Beilby

Date of publication: 18 March 2022

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: D220039CAB
Decision Type: Non Key
Date: 15 March 2022

Decision(s) and Reason(s)

Scrutiny Training

Consideration was given to the recommendation (OS 22/14) to the Cabinet from the meeting of the Overview and Scrutiny Committee of 10 March 2022.

The Cabinet resolved that the approach to training as set out in the report, and detailed in Annex 1, be endorsed.

Reasons: As set out in the report submitted to the Overview and Scrutiny Committee of 10 March 2022

Signed Chief Executive: J Beilby

Date of publication: 18 March 2022

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: D220040CAB
Decision Type: Non Key
Date: 15 March 2022

Decision(s) and Reason(s)

Energy Rebate Scheme 2022

(Report of Director of Finance and Transformation)

The report advised the Cabinet of the Government's Energy Rebate Scheme 2022 and sought approval of policies for its implementation within Tonbridge and Malling.

Attention was drawn to the Borough Council's role as a billing authority in providing a cash payment (grant) of £150 in April to council taxpayers in properties with a Band A, B, C or D. Payment was a grant and not expected to be repaid by the recipient.

In addition, the Government had announced that billing authorities were required to administer a discretionary fund for taxpayers whose properties did not fall into Bands A-D but who otherwise might fall into financial hardship as a result of the rise in the energy price cap.

The Cabinet resolved that:

- (1) the arrangements underway in order to deliver phase 1 of the national Energy Rebate Scheme be noted;
- (2) delegated authority be given to the Chief Executive and Director of Finance and Transformation in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to agree the mandatory Energy Rebate Scheme 2022 for Tonbridge and Malling once final guidance from government was received; and
- (3) delegated authority be given to the Chief Executive and Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to agree the discretionary policy for those properties not in Bands A-D.

Reasons: As set out in the report submitted to the Cabinet of 15 March 2022

Signed Chief Executive: J Beilby

Date of publication: 18 March 2022

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: D220041CAB
Decision Type: Non Key
Date: 15 March 2022

Decision(s) and Reason(s)

Debts for Write Off

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

(Report of the Director of Finance and Transformation)

The report sought approval for the writing off of debts that were considered to be irrecoverable.

The Cabinet resolved that:

- (1) the four items shown in the schedule of amounts over £5,000 (set out at Annex 1) totalling £71,513.17 be written off the reason stated within the schedule.

Reasons: As set out in the report submitted to the Cabinet of 15 March 2022

Signed Chief Executive: J Beilby

Date of publication: 18 March 2022

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: Leader of Council; Cabinet Member for Finance, Innovation & Property; Cabinet Member for Housing; and Chair of the Overview & Scrutiny Committee.	Decision No: D22005URG
Decision Type:	Executive Key Decision
Date of Decision:	4 March 2022
Decision(s) and Reason(s)	
PEMBURY ROAD TEMPORARY ACCOMODATION PROJECT	
<p>A project has been underway for some time to delivery Temporary Accommodation units at the 4 Council owned properties on Pembury Road.</p> <p>Following the information report to Cabinet on 25 January 2022, which outlined the further rises in costs for the conversion to 12 self-contained units and confirmed that officers were no longer able to provide Value for Money assurance on that approach, officers have been undertaking due diligence on stage 1 of a revised approach, namely the delivery of 8 HMO units across 2 properties.</p> <p>Quotes for works costs have been received and verified and an overall works budget, including contingency, has been set at £55,000. However, given the current uncertainties in the construction market and the need to be able to move at pace to make amendments to the scheme in order to ensure timely delivery, it is proposed that any changes to this budget requirement that are considered to be minor should be agreed between the Director and Cabinet Members.</p> <p>Discussions are ongoing with experienced providers regarding management and maintenance of these units. In order to not hold up the construction element whilst those discussions continue and again to ensure the ability to move at pace to enter into an agreement, a delegation to the Director is proposed.</p>	
RESOLVED: That	
<ol style="list-style-type: none">(1) two HMO properties as stage 1 of a revised approach to delivery of Temporary Accommodation at Pembury Road be approved;(2) the required budget amount, set at £55,000, be repurposed from the previously approved scheme, agreeing also that any changes to that budget that are considered to be minor in scale be delegated to the Director of Planning, Housing & Environmental Health in consultation with the Cabinet	

<p>Members for Finance, Innovation & Property and Housing;</p> <p>(3) the confidential financial information relating to management arrangements for these properties be noted; and</p> <p>(4) authority be delegated to the Director of Planning, Housing & Environmental Health, in consultation with the Cabinet Members for Finance, Innovation & Property and Housing, for concluding these arrangements.</p>
<p>Delegated Authority (under which decision taken):</p>
<p>Departure from the Council’s adopted Budget and Policy Framework (as detailed below):</p> <p>Chief Officers shall not incur expenditure for which provision has not been made in the Council's annual estimates (paragraph 2.3 of Part 3 of the Constitution – Functions delegated to Officers). The decision to deliver HMO style accommodation in two of the properties at Pembury Road would also be a departure from the Council’s adopted Budget and Policy Framework.</p> <p>In accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules, the Executive or Officers discharging executive functions may take a decision which is contrary to the Council’s policy framework or contrary or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency.</p> <p>However, the decision may only be taken</p> <ul style="list-style-type: none"> i. If it is not practical to convene a quorate meeting of the full Council; and ii. If the Chair of the Overview & Scrutiny Committee agrees that the decision is a matter of urgency.
<p>Details of any alternatives considered:</p>
<p>To take a decision through regular approval channels would require a report to the next meeting of the Finance, Innovation & Property Board, or for an urgent meeting of the full Council to be organised.</p>
<p>Reason(s) why rejected:</p> <p>Neither of these alternative options can be undertaken within a timescale in which the existing quotes for construction works can be guaranteed.</p> <p>In addition to this, Members have endorsed an approach to the management of TA that seeks to mitigate and minimise costs the Council as quickly and efficiently as possible.</p>

Conflicts of Interest/Dispensations Granted:
There were no conflicts of interest declared or dispensations granted by or to any Member who was involved in taking this decision.
Background Papers (if any):
None

Signed Chief Officer: Eleanor Hoyle
Director of Planning, Housing & Environmental Health

Date of publication: 4 March 2022

This decision is not subject to call-in as it is considered urgent and any delay would seriously prejudice the Council's or the public's interests. (Overview and Scrutiny Procedure Rule 15(i)).

The decision to make the appointment will **be reported to the next appropriate Council meeting**, in accordance with Paragraph 4(b) of the Budget & Policy Framework Procedure Rules.

The scheme of functions delegated to officers can be found here:

[TMBC constitution – Tonbridge and Malling Borough Council](#)

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Leader of the Council;	Decision No: D220006URG
Decision Type:	Executive
Date of Decision:	9 March 2022
Decision(s) and Reason(s)	
REINSTATEMENT OF GARDEN WASTE SERVICE	
<p>The current garden waste service has been suspended since 26 July 2021. This has impacted on both the 26,700 existing subscribers and the related income received for providing this service. The suspension originally arose from Urbaser being unable to staff the vehicles required due to the Covid pandemic and more particularly the national HGV driver shortage. During the suspension 2 separate 'one off' collections of garden waste have been progressed at no cost to residents.</p> <p>Following detailed discussions with Urbaser, and external legal advisors, a solution to enable a full reinstatement of the garden waste service has been reached which due to the need to act quickly, and associated financial implications, requires a decision to be taken urgently.</p> <p>The maximum cost to this Council will be circa £92,100 spread over a 6 month period and is permitted under Regulation 72(1)(5) of the Public Contracts Regulation concerning low value modifications to public contracts.</p> <p>The cost of the proposal will be met from the Budget Stabilisation reserve.</p>	
RESOLVED: That:	
(1) The proposal for the reinstatement of the garden waste service as outlined in this decision notice be approved.	
Delegated Authority which the decision is taken under	
The Council's executive may take this decision as it falls within the budget and policy framework.	

Details of any alternatives considered:
n/a
Reason(s) why rejected:
n/a
Conflicts of Interest/Dispensations Granted:
There were no conflicts of interest declared or dispensations granted by or to any Member who was involved in taking this decision.
Background Papers (if any):
None

Signed Chief Officer: R Styles (Director of Street Scene, Leisure and Technical Services)

Date of publication: 10 March 2022

This decision is not subject to call-in as it is considered urgent and any delay would seriously prejudice the Council's or the public's interests. (Overview and Scrutiny Procedure Rule 15(i)).

The decision to make the payment will **be reported to the next appropriate Council meeting**, in accordance with Paragraph 4(b) of the Budget & Policy Framework Procedure Rules.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D220007EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	14 March 2022

Decision(s) and Reason(s)
COMMUNITY PARKS FUNDING
<p>Details of the Tonbridge and Malling Borough Council Community Parks Funding are set out in Annex 1.</p> <p>It was reported that the Borough Council had been allocated £116,331.73 to enhance community parks. The aim being to encourage and utilise outdoor spaces, where the chance of onward transmission of COVID-19 are lower.</p>
<p>RESOLVED: That:</p> <p>(1) The proposals to allocate funds to three community partners, in addition to upgrading and improving existing Council owned facilities (as set out in Annex 1) be adopted.</p>
<p>Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.</p>

Signed Leader:

M Boughton

Signed Chairman of Overview and Scrutiny Committee:

J Sergison

Signed Chief Executive:

J Beilby

Date of publication:

15 March 2022

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D220008EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	25 March 2022

Decision(s) and Reason(s)
RETAIL, HOSPITALITY AND LEISURE RATE RELIEF SCHEME (2022/23)
<p>Further to the discounts and rates reliefs provided by Government as part of the Covid-19 measures to support retail, leisure and hospitality businesses in 2020/21 and 2021/22, it was announced that a 50% relief up to a cash cap of £110,000 per business should be offered to eligible retail, hospitality and leisure properties in 2022/3.</p> <p>The Borough Council were required to adopt a local scheme and determine each individual case having regard to Government guidance. A local policy entitled 'Retail, Hospitality and Leisure Rate Relief Scheme (2022/23)' had been prepared in line with this guidance and was attached at Annex 1.</p>
<p>RESOLVED: That</p> <p>(1) the Retail, Hospitality and Leisure Rate Relief Scheme (2022/23) be adopted (as set out at Annex 1); and</p> <p>(2) it be noted that the relief had been applied as appropriate to the bills that had recently been despatched to businesses.</p>
<p>Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.</p>

Signed Leader:

M Boughton

Signed Chairman of Overview and Scrutiny Committee:

J Sergison

Signed Chief Executive:

J Beilby

Date of publication:

29 March 2022

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

MINUTES

Tuesday, 22nd March, 2022

Present: Cllr M R Rhodes (Chairman), Cllr B J Luker (Vice-Chairman), Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr A E Clark, Cllr D J Cooper, Cllr D A S Davis, Cllr D Keers, Cllr W E Palmer, Cllr R V Roud, Cllr Mrs M Tatton and Cllr D W King.

Councillor M A J Hood was also present in the Council Chamber pursuant to Council Procedure Rule No. 15.21.

Councillors Mrs J A Anderson, R P Betts, M D Boughton, V M C Branson, Mrs A S Oakley and J L Sergison participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor N J Heslop (substituted by Cllr D W King).

PART 1 - PUBLIC

GP 22/10 DECLARATIONS OF INTEREST

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

GP 22/11 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 31 January 2022 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 22/12 REVIEW OF CODE OF CONDUCT

The report of the Monitoring Officer invited Members to consider revisions to the existing Code of Conduct in light of the Model Code of Conduct produced by the Local Government Association. A copy of the Local Government Association model code was attached at Annex 1, the existing Tonbridge and Malling Code at Annex 2 and a table comparing the differences between the codes at Annex 3.

RECOMMENDED: That the revised Code of Conduct as set out at Annex 4 to the report, be commended to Council for adoption.

DECISIONS TO BE TAKEN UNDER DELEGATED POWERS**GP 22/13 OFFICER CODE OF CONDUCT AND ANTI BULLYING AND HARASSMENT PROCEDURE**

The report of the Director of Central Services and Deputy Chief Executive sought approval of a number of updates to the Officer Code of Conduct and the Anti-Bullying and Harassment Procedure. An audit of the ethical culture within the Borough Council had recommended that amendments be made to both the Officer Code of Conduct and the Anti-Bullying and Harassment Procedure and the proposed amendments had been considered by Management Team and the Joint Employee Consultative Committee. The revised Code of Conduct and the revised procedure were attached at Annexes 1 and 2 respectively.

RESOLVED: That the amendments to the Officer Code of Conduct and Anti-Bullying and Harassment Procedure be approved.

MATTERS SUBMITTED FOR INFORMATION**GP 22/14 REVIEW OF POLLING DISTRICTS AND POLLING PLACES**

The report of the Chief Executive advised that following receipt of the final recommendations from the Local Government Boundary Commission for England, a Polling District and Polling Place review needed to be undertaken to implement the changes to the warding arrangements.

RESOLVED: That the report be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE**GP 22/15 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE**GP 22/16 ESTABLISHMENT REPORT**

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

RESOLVED: That

- (1) post DG2010 Environmental Projects Co-ordinator 37 hours be redesignated Cleaner Borough Co-ordinator and the hours of the post reduced to 18.5 hours; and
- (2) post DJ0302 Planning Policy Manager be regraded from M5 to M6 and that the saving be ringfenced for 12 months to allow for a review of the wider management of the Planning service.

The meeting ended at 7.59 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 29th March, 2022

Present: Cllr C Brown (Chairman), Cllr Mrs F A Kemp (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr A E Clark, Cllr D W King, Cllr Mrs A S Oakley and Cllr H S Rogers.

(Note: As Councillor M Taylor was unable to attend in person and participated via MS Teams, he was unable to vote on any matters).

Councillors M D Boughton, D Harman and D Keers participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors F G Tombolis and C J Williams.

PART 1 - PUBLIC

LA 22/14 DECLARATIONS OF INTEREST

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

DECISION TAKEN UNDER DELEGATED POWERS

LA 22/15 HACKNEY CARRIAGE FARES DISCUSSION

The report of the Director of Central Services and Deputy Chief Executive provided a background to the request by Members for an additional meeting of the Licensing and Appeals Committee to discuss the current fuel increases and to consider the current fare chart levels that were agreed on the 26 January 2022.

During discussion, concern was raised regarding the increasing price of fuel and market volatility and the subsequent impact on the taxi trade. Consideration was given to the implications of a further increase in fares to service users, particularly following the increase in the cost of living.

RESOLVED: That the flag be increased to £4.00 and that the flag charge be reviewed at subsequent meetings if the price of fuel fluctuated to either below £1.50 per litre or above £1.90 per litre.

LA 22/16 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

MINUTES

Thursday, 31st March, 2022

Present: Cllr D W King (Chairman), Cllr M R Rhodes (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M D Boughton, Cllr V M C Branson, Cllr G C Bridge, Cllr A E Clark, Cllr A Cope, Cllr M O Davis, Cllr N J Heslop, Cllr M A J Hood, Cllr F A Hoskins, Cllr J R S Lark, Cllr H S Rogers and Cllr F G Tombolis

(Note: As Councillors Mrs P A Bates, N Foyle and J L Sergison were unable to attend in person they participated via MS Teams and were unable to vote on any matters).

Councillors D Harman and Mrs A S Oakley were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors J L Botten and Miss G E Thomas

PART 1 - PUBLIC

AP1 22/16 DECLARATIONS OF INTEREST

In respect of application TM/21/03332/FL (Longmead Stadium, Darenth Avenue, Tonbridge) the following were declared:

- Councillor Bridge declared an Other Significant Interest on the grounds that he was a stakeholder with Tonbridge Angels Football Club who were the applicant. He withdrew from the meeting and did not participate in the discussion or vote on this matter.
- For reasons of transparency, Councillors Heslop and Hood declared that they were long-time supporters of Tonbridge Angels Football Club. The Chairman of the Football Club was also known to Councillor Heslop. As this did not represent either a Disclosable Pecuniary or Other Significant Interest there was no requirement to withdraw from the meeting.
- For reasons of transparency, Councillor Boughton advised that he had met with Tonbridge Angels Football Club, in his role as Leader of the Borough Council, to discuss a number of initiatives that were not related to this application. Legal Services had confirmed that this did not represent either a Disclosable Pecuniary or Other Significant Interest and there was no requirement to withdraw from the meeting.

AP1 22/17 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 17 February 2022 be approved as a correct record and signed by the Chairman.

AP1 22/18 GLOSSARY AND SUPPLEMENTARY MATTERS

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.

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

AP1 22/19 TM/21/03332/FL - LONGMEAD STADIUM, DARENTH AVENUE, TONBRIDGE

Installation of new all-weather playing surface. Removal of 8. No existing floodlighting columns and erection of 4 No. replacement LED Floodlights at Longmead Stadium, Darenth Avenue, 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) Additional Condition:

5. The pitch shall only be in use and at no other time outside the hours of 0900 until 2100 weekends and 0900 and 2230 on weekdays.

Reason: In the interests of general amenity of the wider area.

[Speaker: Mr Simon McKay (agent) addressed the Committee via MS Teams]

AP1 22/20 TM/21/01677/FL - 2 YARDLEY PARK ROAD, TONBRIDGE

Demolition of the existing buildings and the erection of 13no. apartments with associated access, landscaping, parking and infrastructure at 2 Yardley Park Road, Tonbridge.

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

- (1) The development by virtue of the density, bulk, massing and scale will result in an unacceptable development which will create less than substantial harm to the significance of the character of the Tonbridge Conservation Area, which when weighed against the public benefits of the proposal provide a clear reason for refusal under paragraph 11(d)(i) of the National Planning Policy Framework 2021.
- (2) The development by virtue of the density, bulk, massing and scale in this prominent corner location would result in an overbearing and incongruous addition failing to accord with the surrounding built form and out of character with the area contrary to Policy CP24 of the Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and Paragraphs 130 and 134 of the National Planning Policy Framework 2021.
- (3) The development by virtue of the density, bulk, massing and scale will result in an unacceptable oppressive development which will have an overbearing impact on the residential amenities of the neighbouring property known as Springhill Cottage, resulting in the loss of aspect and the creation of additional noise in particular from the activity associated with the use of the southern parking area, contrary to Policy CP1 and CP24 of the Core Strategy.
- (4) These harms are considered to significantly and demonstrably outweigh the benefits of the proposal, such that the presumption in favour of sustainable development in paragraph 11(d) of the NPPF does not apply.

In accordance with Council Procedure Rule 8.6, Councillors Branson and Cope requested that their vote against granting planning permission be recorded.

[Speakers: Tonbridge Historical Society (Mr D Phillips), Tonbridge Civic Society (Mr Brittain) and Mr M Smith, Mr N Edwards, Mr T Freke, Ms J Matthews and Ms M Manson Smith (members of the public) addressed the Committee in person; Mr J Edis (on behalf of the applicant) addressed the Committee via MS Teams]

AP1 22/21 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.55 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

MINUTES

Monday, 4th April, 2022

Present: Cllr Mrs F A Kemp (Chairman), Cllr N Foyle (Vice-Chairman), Cllr T Bishop, Cllr R I B Cannon, Cllr A Cope, Cllr N J Heslop and Cllr M R Rhodes.

(Note: As Councillor P M Hickmott was unable to attend in person and participated via MS Teams he was unable to vote on any matters.)

Councillors M A J Hood, D W King, M D Boughton, V M C Branson, M A Coffin, D Harman, Mrs A S Oakley, W E Palmer and J L Sergison participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor J R S Lark.

PART 1 - PUBLIC

AU 22/12 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members present.

AU 22/13 DECLARATIONS OF INTEREST

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

AU 22/14 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 24 January 2022 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

AU 22/15 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

2021/22 and concluded that the required assurance, as defined in the Chartered Institute of Public Finance and Accountancy (CIPFA) Guidance, had been provided by the Audit Committee to those charged with governance.

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**

DECISIONS TAKEN UNDER DELEGATED POWERS

AU 22/16 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 with particular emphasis on those risks categorised as 'RED' be noted.

AU 22/17 INTERNAL AUDIT CHARTER

The report of the Chief Audit Executive presented the Internal Audit Charter for Member consideration and approval. It was noted that the Charter had been reviewed against the Public Sector Internal Audit Standards (PSIAS) and continued to meet the requirements of a formal Charter. It was further noted that amendments had been made in respect of Independence and Objectivity to reflect the need to provide an alternative source of assurance for Counter Fraud services as this sat within the remit of the Chief Audit Executive and in respect of Partnership Working to state that the whole Internal Audit and Counter Fraud function was delivered under an Inter Authority Agreement with Kent County Council. It was reported that the Management Team had approved the Charter on 8 March 2022.

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

AU 22/18 INTERNAL AUDIT AND FRAUD PLAN 2022/23

The report of the Chief Audit Executive presented the Internal Audit and Fraud Plan for 2022/23 which had been developed using a risk-based approach to determine the priorities of the internal audit activity consistent with the organisation's goals. Significant risk areas and priorities had been identified through a risk assessment which included reviews of the Strategic and Service Risk Registers, analysis of the wider environment, use of organisational knowledge and discussions

with Service Heads and Directors both individually and collectively as part of Service Management Teams. The Plan had been reviewed and endorsed by the Management Team.

RESOLVED: That the Internal Audit and Fraud Plan for 2022/23, as set out at Annex 1 to the report, be approved.

MATTERS SUBMITTED FOR INFORMATION

AU 22/19 TREASURY MANAGEMENT PERFORMANCE UPDATE

The report of the Director of Finance and Transformation provided details of investments undertaken and the return achieved for the first eleven months of the financial year 2021/22.

RESOLVED: That the report be noted.

AU 22/20 INTERNAL AUDIT AND COUNTER FRAUD UPDATE

Members were provided with an update on the work of both the Internal Audit function and the Counter Fraud function for the period April 2021 to March 2022.

Members' attention was drawn to the issue of a 'No Assurance' opinion in respect of the audit findings on Data retention, principle 5 of the General Data Protection Regulation (GDPR), as set out in Annex 1 to the report. Members expressed serious concern about this opinion and requested that the Data Protection Officer and the Chief Audit Executive provide an update report on this matter to the next meeting of the Committee.

RESOLVED: That the report be noted.

AU 22/21 GRANT THORNTON 2021/22 AUDIT PLAN

The report of the Director of Finance and Transformation introduced the 2021/22 Audit Plan received from the external auditors in respect of the audit of the Council's financial statements which was presented by Mr Paul Dossett, Engagement Lead, and Mr Omer Awais, Audit Manager.

RESOLVED: That the report be noted.

AU 22/22 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**MATTERS SUBMITTED FOR INFORMATION****AU 22/23 INSURANCE CLAIMS HISTORY**

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

The report of the Director of Finance and Transformation informed Members as to the nature and volume of liability and property damage insurance claims submitted for the year ended 31 March 2022. It was noted that additional claims in respect of property damage arising from Storm Eunice and malicious damage to public conveniences in Tonbridge which had occurred on 30/31 March would be reported to the next meeting of the Audit Committee.

RESOLVED: That the report be noted.

The meeting ended at 8.35 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 6th April, 2022

Present: Cllr B J Luker (Vice-Chair, in the Chair), Cllr R P Betts, Cllr P Boxall, Cllr C Brown, Cllr M A Coffin, Cllr D Harman, Cllr S A Hudson, Cllr W E Palmer, Cllr T B Shaw, Cllr N G Stapleton and Cllr M Taylor

(Note: As Councillors Mrs J Anderson, Mrs F A Kemp, P J Montague and J L Sergison were unable to attend in person and participated via MS Teams they were unable to vote on any matters)

Apologies for absence were received from Councillors H S Rogers and K B Tanner

PART 1 - PUBLIC

AP2 22/13 DECLARATIONS OF INTEREST

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

AP2 22/14 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 23 February 2022 be approved as a correct record and signed by the Chairman.

AP2 22/15 GLOSSARY AND SUPPLEMENTARY MATTERS

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. There were no supplementary reports tabled at the meeting.

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

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

**AP2 22/16 TM/21/02273/RM - DEVELOPMENT SITE NORTH AND EAST OF
JUBILEE WAY, KINGS HILL, WEST MALLING**

Approval of Reserved Matters for Areas 5.2 and 5.3, Kings Hill Phase 5, comprising the construction of 210 residential units and associated works, together with details required by conditions 1, 6, 7, 8, 9, and 10 pursuant to Outline Planning Permission TM/18/03034/OAEA at the development site north and east of Jubilee Way, Kings Hill.

RESOLVED: That the Application be deferred to seek improvements and clarification on the following issues:

- Location of the LEAP Play Area
- Renewable energy provision
- Parking provision
- Affordable Housing Mix

[Speakers: Mr D Rush representing Kings Hill Parish Council and as a member of the public in his own right and Mr M Bessant (agent) addressed the Committee in person]

AP2 22/17 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.43 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 12th April, 2022

Present: Cllr M D Boughton (Chairman), Cllr V M C Branson, Cllr M A Coffin, Cllr D Keers, Cllr P J Montague and Cllr K B Tanner

Councillors Mrs S Bell, F A Hoskins, Mrs A S Oakley, H S Rogers, R V Roud were also present pursuant to Access to Information Rule No 23.

Councillors M A J Hood, S A Hudson, J R S Lark, W E Palmer, J L Sergison, Mrs M Tatton, D A S Davis, N Foyle and D Harman participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Access to Information Rule No 23.

An apology for absence were received from Councillor R P Betts

PART 1 - PUBLIC

CB 22/49 DECLARATIONS OF INTEREST

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

EXECUTIVE NON-KEY DECISIONS

CB 22/50 PEER REVIEW

Decision Notice D220045CAB

The report of the Chief Executive provided an update on the recent Corporate Peer Challenge and presented an Action Plan (attached at Annex 2) which illustrated how the Borough Council aimed to meet the recommendations of the Peer Team.

Overall, feedback had been positive and it was recognised that the Borough Council was dependable, creditable and trusted. However, a number of recommendations designed to strengthen, complement and add value to the Borough Council's performance had been identified.

There was in-depth discussion in respect of the Corporate Peer Challenge report and how communication and co-operation with other political Groups could be a valuable tool in supporting political stability.

Other views expressed related to strengthening partnerships, local leadership for the benefit of residents and communities and governance arrangements.

It was indicated that the recommendations and actions set out in the Action Plan would be carefully considered by the Borough Council and all options would be explored.

In conclusion, it was recognised that without challenge there was no opportunity to identify areas of improvement which supported a modern, efficient and effective organisation.

RESOLVED: That the Peer Review Action Plan, as set out at Annex 2 of the report, be endorsed.

MATTERS SUBMITTED FOR INFORMATION

CB 22/51 UKRAINIAN REFUGEES

Members were advised of the current position in relation to Ukrainian refugees and the Borough Council's role in the Homes for Ukraine Scheme was outlined.

The following points were noted:

- Home visits and inspections of potential host families were undertaken by Borough Council Officers;
- DBS and welfare checks were the responsibility of Kent County Council, with Clarion Housing commissioned to provide 'wraparound' support for Ukrainian families;
- The Community Hub Helpline had been reinstated to provide advice and guidance and local community groups had offered to support where required.

Attention was drawn to the potential risks around points of failure and breakdown in sponsor arrangements, which could result in families approaching the Borough Council seeking alternative accommodation and creating a pressure on housing services.

Particular concern was expressed in respect of the Ukraine Family Scheme and further guidance and clarity on addressing a number of concerns was being sought from Government.

CB 22/52 DECISIONS TAKEN UNDER EMERGENCY OR URGENCY PROVISIONS

Details of the Decisions taken in accordance with emergency and/or urgency provisions were presented for information.

RESOLVED: That the report be received and noted.

CB 22/53 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.05 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet

Decision No: D220045CAB

Decision Type: Non Key

Date: 12 April 2022

Decision(s) and Reason(s)

Peer Review

The report of the Chief Executive provided an update on the recent Corporate Peer Challenge and presented an Action Plan (attached at Annex 2) which illustrated how the Borough Council aimed to meet the recommendations of the Peer Team.

Overall, feedback had been positive and it was recognised that the Borough Council was dependable, creditable and trusted. However, a number of recommendations designed to strengthen, complement and add value to the Borough Council's performance had been identified.

There was in-depth discussion in respect of the Corporate Peer Challenge report and how communication and co-operation with other political Groups could be a valuable tool in supporting political stability. Other views expressed related to strengthening partnerships, local leadership for the benefit of residents and communities and governance arrangements

It was indicated that the recommendations and actions set out in the Action Plan would be carefully considered by the Borough Council and all options would be explored.

In conclusion, it was recognised that without challenge there was no opportunity to identify areas of improvement which supported a modern, efficient and effective organisation.

RESOLVED: That the Peer Review Action Plan, as set out at Annex 2 of the report, be endorsed.

Reasons: As set out in the report submitted to the extraordinary meeting of Cabinet of 12 April 2022.

Signed Chief Executive: J Beilby

Date of publication: 14 April 2022

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.

