

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

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

**INDEX**

Item	Page (s)
1. 28 March 2023: Licensing and Appeals Committee	3 - 4
<ul style="list-style-type: none"> <li>Minute Numbers: LA 23/1 - 6</li> </ul>	
2. 30 March 2023: Area 1 Planning Committee	5 - 8
<ul style="list-style-type: none"> <li>Minute Numbers: AP1 23/6 - 10</li> </ul>	
3. 4 April 2023: Cabinet	9 - 14
<ul style="list-style-type: none"> <li>Minute Numbers: CB 23/26 - 49</li> </ul>	
4. 6 April 2023: Overview and Scrutiny Committee	15 - 18
Minute Numbers: OS 23/12 - 21	
5. 11 April 2023: Council	19 - 26
<ul style="list-style-type: none"> <li>Minute Numbers: C 23/26 - 35</li> </ul>	
6. 17 April 2023: Audit Committee	27 - 30
<ul style="list-style-type: none"> <li>Minute Numbers: AU 23/11 - 24</li> </ul>	
7. 20 April 2023: Area 3 Planning Committee	31 - 38
Minute Numbers: AP3 23/1 – 5	
8. 17 May 2023: Council	39 - 46
<ul style="list-style-type: none"> <li>Minute Numbers: C 23/36-54</li> </ul>	
9. 6 June 2023: Cabinet	47 - 50
<ul style="list-style-type: none"> <li>Minute Numbers: CB 23/50 - 57</li> </ul>	

10.	7 June 2023: Housing and Planning Scrutiny Select Committee	51 - 54
	<ul style="list-style-type: none"> <li>Minute Numbers: HP 23/8 - 15</li> </ul>	
11.	8 June 2023: Area 3 Planning Committee	55 - 58
	<ul style="list-style-type: none"> <li>Minute Numbers: AP3 23/6 - 10</li> </ul>	
12.	13 June 2023: Finance, Regeneration and Property Scrutiny Select Committee	59 - 62
	<ul style="list-style-type: none"> <li>Minute Numbers: FRP 23/10-17</li> </ul>	
13.	14 June 2023: Communities and Environment Scrutiny Select Committee	63 - 68
	Minute Numbers: CE 23/12-22	
14.	22 June 2023: Area 1 Planning Committee	69 - 72
	<ul style="list-style-type: none"> <li>Minute Numbers: AP1 23/11-17</li> </ul>	
15.	Decisions Taken by the Executive (Cabinet, Cabinet Member or Urgent)	73 - 118
	<ul style="list-style-type: none"> <li>D230027MEM</li> <li>D230028MEM</li> <li>D230029MEM</li> <li>D230030CAB – D230037CAB</li> <li>D230038MEM</li> <li>D230039MEM</li> <li>D230040MEM</li> <li>D230041MEM</li> <li>D230042MEM</li> <li>D230043MEM</li> <li>D230044MEM</li> <li>D230045MEM</li> <li>D230046MEM – D230048MEM</li> <li>D230049CAB – D230051CAB</li> <li>D230052MEM</li> <li>D230053MEM</li> <li>D230054MEM</li> </ul>	

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

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

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS COMMITTEE**

**MINUTES**

**Tuesday, 28th March, 2023**

**Present:** Cllr C Brown (Chair), Cllr Mrs F A Kemp (Vice-Chair),  
Cllr Mrs J A Anderson, Cllr M A Coffin, Cllr D Keers,  
Cllr Mrs A S Oakley and Cllr H S Rogers.

(Note: As Councillor Mrs P A Bates and M Taylor 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 Mrs P A Bates, D W King, R V Roud, M Taylor, D Thornewell and C J Williams.

**PART 1 - PUBLIC**

**LA 23/1 DECLARATIONS OF INTEREST**

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

**LA 23/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Licensing and Appeals Committee held on 29 November 2022 be approved as a correct record and signed by the Chairman.

**LA 23/3 MINUTES OF PANEL**

**RESOLVED:** That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 21 November 2022 be received and noted.

**MATTERS FOR RECOMMENDATION TO THE COUNCIL**

**LA 23/4 ANIMAL LICENSING POLICY**

Following a period of public consultation, an updated Animal Licensing policy was presented for consideration. The updated policy reflected the changes made by The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and no responses to the consultation had been received.

The policy set out how the Council would exercise its functions under the Dangerous Wild Animals Act 1976, the Zoo Licensing Act 1981, the

Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. It was noted that in having a policy, the Council could apply for the RSPCA Gold Footprint award.

Members attention was brought to paragraph 1.6 of the draft policy whereby the following amendments had subsequently been made in order to provide clarity:

- The wording 'not exclusively' to replace 'for example'; and
- The word 'renewed' to be inserted following 'existing licence holders whose licences are being'.

During discussion, Members welcomed the non-mandatory policy and noted the powers available to the Council under the Animal Welfare Act 2016.

**RECOMMENDED\*:** That the draft Animal Licensing Policy, attached as Annex 1, be approved, subject to the subsequent amendments.

**\* Referred to Council**

### **MATTERS SUBMITTED FOR INFORMATION**

#### **LA 23/5 AIR QUALITY UPDATE**

The Head of Licensing, Community Safety and Customer Services provided a verbal update on air quality matters, during which it was noted that a report on Kent County Council's Air Quality consultation would be provided at the next meeting. The consultation had involved all boroughs across the County and was undertaken in conjunction with the Energy Saving Trust.

In the interim, it was reported that 636 consultation responses had been received, of which 92 were from within Tonbridge and Malling. Following consideration of the outcome of the consultation, Members direction would be sought on the Borough Council's policy on air quality emissions.

#### **LA 23/6 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.47 pm

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **AREA 1 PLANNING COMMITTEE**

### **MINUTES**

**Thursday, 30th March, 2023**

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

Apologies for absence were received from Councillors Mrs P A Bates, A E Clark, N J Heslop and J L Sergison

### **PART 1 - PUBLIC**

#### **AP1 23/6 DECLARATIONS OF INTEREST**

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

However, for reasons of transparency Councillor Tombolis advised that he was a landlord of a property in Priory Street. Upon seeking legal advice this was not considered to be a Disclosable Pecuniary or Other Significant Interest as the property was not situated in close proximity to the application site. There was no requirement for Councillor Tombolis to withdraw from the meeting.

#### **AP1 23/7 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 16 February 2023 be approved as a correct record and signed by the Chairman.

#### **AP1 23/8 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)**

**AP1 23/9 TM/22/00571/FL - 60A PRIORY STREET, TONBRIDGE**

Redevelopment of the site to provide eleven dwellings and associated parking, landscaping and amenity at 60A Priory Street, Tonbridge.

This application had been deferred from the meeting of 16 February 2023 to allow for a Members' Site Inspection, which had taken place on 7 March 2023. Members inspected the site from within the site, from surrounding roads and from neighbouring land – 31 Pembury Road and 43 Pembury Road and this was given due regard when considering the application.

**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 Environment Health subject to:

- (1) The applicant entering into a planning obligation with the Borough Council to provide financial contributions towards public open space provision (parks and gardens and outdoor sports facilities);
- (2) The applicant entering into a planning obligation with Kent County Council to make financial contributions towards the provision of social care, education and community services;

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 16 August 2023, the application to be reported back to the Area 1 Planning Committee with an update on progress and a further recommendation. Alternatively, 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 Chair and Ward Members;

- (3) Amended Condition:
  6. Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan should set out arrangements for the management of any and all demolition and/or construction works and shall include (but not necessarily be limited to) the following:

- (a) The days of the week and hours of the day when the construction works will be limited for approval by the Local Planning Authority;
- (b) 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;
- (c) The specific arrangements for the routing and parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase;
- (d) The provision of wheel washing facilities;
- (e) Temporary traffic management/signage;
- (f) Provision of measures to prevent the discharge of surface water onto the highway;
- (g) Procedures for notifying neighbouring properties 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
- (h) The controls on noise and dust arising from the site with reference to current guidance.

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

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

[Speakers: Ms P White – member of the public and Mr J Thomas on behalf of the applicant participated via MS Teams]

#### **AP1 23/10 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.00 pm





## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **CABINET**

### **MINUTES**

**Tuesday, 4th April, 2023**

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

**In attendance:** Cllr M A J Hood was also present pursuant to Access to Information Rule No 23.

**Virtual:** Cllrs Mrs S Bell, Mrs A S Oakley and M R Rhodes participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Access to Information Rule No 23.

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

### **PART 1 - PUBLIC**

#### **CB 23/36 DECLARATIONS OF INTEREST**

Councillor M Boughton declared an Other Significant Interest in the agenda item relating to Voluntary and Community Sector Grants on the grounds that he was a representative appointed by the Council to sit on the Board of the Citizen's Advice Bureau. He withdrew from the meeting and did not participate in the discussion on this matter and did not vote on any proposals.

#### **CB 23/37 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 7 March 2023 be approved as a correct record and signed by the Chairman.

### **DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**

#### **EXECUTIVE KEY DECISION**

#### **CB 23/38 IMPLICATIONS OF NPPF CONSULTATION ON LOCAL PLAN**

Decision Notice D230030CAB

Consideration was given to the recommendation of the Housing and Planning Scrutiny Select Committee on 21 March 2023 (HP 23/4).

**RESOLVED:** That

- (1) the implications of the proposed 'Levelling-up and Regeneration Bill: Reforms to National Planning Policy', as set out in Annex 1, be noted;
- (2) the Borough Council progressed the Local Plan under the current arrangements, as outlined in Option 1 in the report, and;
- (3) a new Local Development Scheme with more detailed financial implications be brought to a future meeting of the Housing and Planning Scrutiny Select Committee in Summer 2023.

**EXECUTIVE NON-KEY DECISIONS****CB 23/39 OUTCOMES AND ACHIEVEMENTS OF THE IT STRATEGY AND DIGITAL STRATEGY**

## Decision Notice D230031CAB

The report focused on informing Members of the impact the Council's IT and Digital strategies have had on the organisation over the last 4 year period. Both strategies were customer-centric and aligned to underpin the Council's ambition to improve the customer experience in terms of quality and the efficiency of the services provided.

The report highlighted the measurable outcomes against the overall vision set out in the strategies.

It was noted that these outcomes exemplified the pragmatism and foresight adopted by the Borough Council which had enabled ambitious and transformative strategies to be implemented in such a short timescale.

Work on developing new Strategies for a further period was underway and a draft would be brought to Members for consideration in due course.

**RESOLVED:** That

- (1) the outcomes and achievements of the IT Strategy 2018-2023 and the Digital Strategy 2019-2023 be noted; and
- (2) a new Corporate IT and Digital Strategy be developed and presented for consideration to a future meeting of the Cabinet during 2023.

**CB 23/40 COMMUNITY DEVELOPMENT GRANT SCHEME**

Decision Notice D230032CAB

The report of the Chief Executive set out details of the Community Development Grant Scheme and sought approval to launch in April 2023. An allocation of £165,269 from the UK Shared Prosperity Fund would be used to fund this community grant scheme over a two year period.

Careful consideration was given to the funding priorities for 2023/24, the grant application process and the legal, financial and value for money implications. It was also recognised that the application process had been designed to minimise risk, with assessments based on set criteria.

**RESOLVED:** That the Community Development Grant Scheme, as detailed in the report, be endorsed.

**CB 23/41 BLUE BELL HILL COMMUTER CAR PARK**

Decision Notice D230033CAB

The joint report of the Director of Street Scene, Leisure and Technical Services, Cabinet Member for Technical and Waste Services and Cabinet Member for Community Services provided details of the current issues at Blue Bell Hill commuter car park and sought Member's instructions as to future arrangements.

The site was acquired in December 2003 from Kent County Council and included two covenants aimed at restricting the use of the site, the first stating that Tonbridge and Malling Borough Council was not to use the land for any purpose other than as a 'public commuter car park. Prior to the pandemic, the site was successfully operated as a commuter car park serving a number of private bus services that operated to London, but since the pandemic, the income from the car park had naturally declined, therefore the current operating model for the car park was not an efficient use of resources and was considered to be unsustainable.

Furthermore, there were significant concerns in respect of anti-social behaviour on the site and the noise and general nuisance which related to vehicles was a major concern to local residents who continued to report issues.

After careful consideration of the financial and value for money implications and the ongoing anti-social behaviour, Cabinet

**RESOLVED:** That

- (1) the Blue Bell Hill commuter car park be closed and the site secured to prevent any pedestrian and vehicular access; and

- (2) future opportunities for alternative use of the site be explored with Kent County Council.

#### **CB 23/42 VOLUNTARY AND COMMUNITY SECTOR GRANTS**

Decision Notice D230034CAB

The report of the Chief Executive reviewed and noted progress against Service Level Agreements for ongoing grants and considered future funding in respect of Citizens Advice North and West Kent.

A summary of each organisations progress achieved against the objectives set out in their Service Level Agreements were attached at Annexes 1, 2, 3 and 4 for information.

After careful consideration of the legal, financial and value for money implications, Cabinet

**RESOLVED:** That

- (1) the good progress and support provided to residents from Involve, Imago, the Mediation Schemes and Age UK Sevenoaks and Tonbridge be noted; and
- (2) based on the good progress and the support provided to residents from CANWK grant funding of £95,000, as set out in the report, be agreed for the financial year 2023/24.

#### **CB 23/43 TMBC OWNED SITES - LOCAL PLAN**

Decision Notice D230035CAB

Consideration was given to the recommendation of the Finance, Regeneration and Property Scrutiny Select Committee on 14 March 2023 (FRP 23/4).

**RESOLVED:** That all sites set out at Annex 1 to the report, be considered as unavailable for development when formally responding to the letter from the Local Planning Authority, once received, regarding TMBC owned sites identified in the Urban Capacity Study.

#### **CB 23/44 S106 MATTERS**

Decision Notice D230036CAB

The report of the Director of Planning, Housing and Environmental Health provided an updated S106 Protocol and new monitoring structure for S106 monies for consideration. In addition, an update on the recently published Infrastructure Delivery Statement was provided.

Careful consideration was given to the recommendation of the Overview and Scrutiny Committee on 26 January 2023 (OS 23/6), the legal, financial and value for money implications and the risk assessment. Consideration was also given to the representations submitted by Kent County Council following further discussion. However, it was noted that this level of detail was not required in the amended Protocol and there were no changes recommended to the Protocol that was agreed in principle by the Overview and Scrutiny Committee.

**RESOLVED:** That

- (1) the revised S106 Protocol and process, including the new monitoring structure be approved; and
- (2) the recently approved and published Infrastructure Funding Statement 21/22 be noted.

### **MATTERS SUBMITTED FOR INFORMATION**

#### **CB 23/45 DECISIONS TAKEN BY CABINET MEMBERS**

Details of the Decisions taken in accordance with the rules for the making of decisions by executive members, as set out in Part 4 of the Constitution, were presented for information.

#### **CB 23/46 MINUTES OF PANELS, BOARDS AND OTHER GROUPS**

The Minutes of the Joint Transportation Board of 6 March 2023 were received and noted.

#### **CB 23/47 DECISIONS TAKEN UNDER EMERGENCY OR URGENCY PROVISIONS**

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

#### **CB 23/48 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

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

**DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION****EXECUTIVE KEY DECISION****CB 23/49 NEW LEASE 20-28 MARTIN SQUARE, LARKFIELD**

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

Decision Notice D230037CAB

Careful consideration was given to proposals for a new lease at 20-28 Martin Square, Larkfield. The proposed terms of the lease were detailed in the report and five options in respect of the maisonettes were presented for consideration.

**RESOLVED:** That

- (1) Officers be instructed to investigate options 4 and 5, set out in 1.4.4 of the report, in relation to two maisonettes currently included within the lease and the findings reported to the Cabinet Member for Finance, Innovation and Property; and
- (2) authority be delegated to the Cabinet Member for Finance, Innovation and Property to approve the final terms of the lease to Alliance Property Holdings, specifically in relation to the inclusion or exclusion of the maisonettes and the level of rent, once the maisonettes appraisal has been completed.

The meeting ended at 8.43 pm

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **OVERVIEW AND SCRUTINY COMMITTEE**

#### **MINUTES**

**Thursday, 6th April, 2023**

**Present:** Cllr Mrs A S Oakley (Chair), Cllr M O Davis (Vice-Chair), Cllr C Brown, Cllr R I B Cannon, Cllr R W Dalton, Cllr N Foyle, Cllr D Harman, 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 D Thornewell and Cllr M A J Hood (substitute)

**In attendance:** Councillor W E Palmer was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors A E Clark, M C Base, H S Rogers and F G Tombolis

(Note: Cllr Rogers was unable to attend in person but listened to the debate via MS Teams).

#### **PART 1 - PUBLIC**

##### **OS 23/12 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

- Cllr M Hood for Cllr A Clark

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 23/13 DECLARATIONS OF INTEREST**

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

##### **OS 23/14 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Overview and Scrutiny Committee held on 26 January 2023 be approved as a correct record and signed by the Chair.

**MATTERS FOR RECOMMENDATION TO THE CABINET****OS 23/15 CORPORATE STRATEGY - COMMUNITY CONSULTATION**

The report of the Chief Executive provided an overview of the Corporate Strategy Community Consultation and advised of the work undertaken to update and improve the document following feedback received from residents.

Information about the recent community consultation and the resultant proposed changes and additions to the Strategy were provided in Annexes 1 – 3. A high level Action Plan linking to the priorities set out in the Corporate Strategy was also attached at Annex 4. It was noted that in respect of the timeframe for the Strategy Cabinet had recommended a period of 2023-2027, with a review built in after two years.

Clarity was sought on a number of issues in respect of Tonbridge Sports Farm and safeguarding Key Performance Indicators (KPIs). Members were advised that any further comments related to KPIs would be considered as part of the Gap Analysis work.

**RECOMMENDED\*:** That the Corporate Strategy and Action Plan, along with the aligned Key Performance Indicators (set out in Annex 3), be commended to Cabinet for approval

**\*Referred to Cabinet**

**OS 23/16 DEVELOPMENT MANAGEMENT OFFICER PROTOCOL - MEMBER CALL-IN PROTOCOL**

An amended Development Management Officer Protocol – Member Call-ins was presented for consideration. The proposed amendments were set out in 1.1.2 of the report and the amended Protocol was attached at Annex 1.

Unfortunately, due to technical issues Members were unable to receive technical advice from Officers participating online and responses to questions could not be addressed. Due to these circumstances, it was proposed by the Chair and supported by the Committee that this item be deferred and brought back to a future meeting.

**RESOLVED:** That the item be deferred due to technical issues and brought back to a future meeting of the Overview and Scrutiny Committee.



**OS 23/17 RESPONSE TO THE DLUHC TECHNICAL CONSULTATION:  
STRONGER PERFORMANCE OF LOCAL PLANNING  
AUTHORITIES SUPPORTED THROUGH AN INCREASE IN  
PLANNING FEES**

Careful consideration was given to the Borough Council's proposed response (attached at Annex 1) to the DLUHC technical consultation which sought views on improving performance of local planning authorities by increasing planning fees, building capacity and capability and introducing a more robust performance regime.

The consultation period ended on 25 April 2023 and the Borough Council had until this date to submit its response which, once approved, would be actioned through an online survey.

Members welcomed the proposed doubling of planning fees for retrospective applications.

**RECOMMENDED\*:** That:

- (1) the proposed response to the consultation, set out at Annex 1, be endorsed and submitted on behalf of the Borough Council by the Director of Planning, Housing and Environmental Health

**\*Decision taken by Cabinet Member**

**DECISIONS TO BE TAKEN UNDER DELEGATED POWERS****OS 23/18 SCOPING REPORT - REVIEW OF GOVERNANCE  
ARRANGEMENTS**

As a result of recommendations from an LGA Peer Review the Borough Council had adopted a new governance structure in May 2022. The report of the Chief Executive set out options to review these arrangements which had now been in place for 11 months.

A suggested focus for the next stage of the review was detailed in 1.2 of the report. Members would be invited to reflect on whether the issues identified by the Peer Review team had been addressed, what had worked well and whether there were opportunities for improvement. Any amendments or suggested changes to the existing governance arrangements would be assessed in full as part of the final review.

Due to the upcoming local elections, the Committee felt that a review should be undertaken later in the year to enable any newly elected councillors to experience a meeting cycle before assessing arrangements. Concern was expressed that the current governance arrangements didn't reflect the reduction in councillors arising from the recent boundary review. However, Members also welcomed the opportunity to identify whether improvements could be made to the

Scrutiny Select Committees structure and remove potential duplications with the main Overview and Scrutiny Committee.

Finally, it was felt that there should be further assessment on the format of Area Planning Committees and the review into governance arrangements offered opportunity for this to be revisited.

**RESOLVED:** That

(1) Subject to:

- (i) being undertaken in late 2023/early 2024; and
- (ii) the format of Area Planning Committees being considered for further assessment

the approach to a Scrutiny Review, as set out in 1.2 of the report, be endorsed and further evaluation of the issues raised be undertaken.

### **MATTERS FOR INFORMATION**

#### **OS 23/19 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE**

The decisions taken by the Cabinet and Cabinet Members during January, February and March 2023 were presented for information and noted by the Committee.

#### **OS 23/20 WORK PROGRAMME**

The Work Programme setting out potential matters to be scrutinised during 2023 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **OS 23/21 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.17 pm

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **COUNCIL MEETING**

### **MINUTES**

**Tuesday, 11th April, 2023**

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 11th April, 2023

**Present:** Her Worship the Mayor (Councillor Mrs S Bell), the Deputy Mayor (Councillor J R S Lark), Cllr Mrs J A Anderson, Cllr M C Base, Cllr Mrs P A Bates, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr V M C Branson, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr M A Coffin, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr S M Hammond, Cllr D Harman, 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 D Lettington, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr W E Palmer, Cllr M R Rhodes, Cllr R V Roud, Cllr J L Sergison, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr Miss G E Thomas, Cllr F G Tombolis and Cllr C J Williams.

Apologies for absence were received from Councillors P Boxall, A E Clark, D J Cooper, Mrs T Dean, N Foyle, N J Heslop, A P J Keeley, Mrs R F Lettington, H S Rogers, T B Shaw and D Thornevell.

(Note: Councillors Cooper and Foyle were unable to attend in person but listened to the debate via MS Teams).

### **PART 1 - PUBLIC**

#### **C 23/26 DECLARATIONS OF INTEREST**

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

#### **C 23/27 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the meeting of the Council held on 21 February 2023 be approved as a correct record and signed by the Mayor.

**C 23/28 MAYOR'S ANNOUNCEMENTS**

The Mayor advised of a number of engagements attended since the last meeting of Council and made particular reference to the following civic and charity events:

- Charity Zumba Event at Larkfield Leisure Centre which had raised £1,060
- Valley Invicta Primary School at Kings Hill Opening of New Outside Area
- Annual Community Concert for Senior Citizens at Tonbridge School
- Unveiling of the Nations Table in the Nave at Rochester Cathedral
- Tonbridge Lions Club's Charter Night
- Heusenstamm Friendship Circles Dinner & AGM
- Mayor of Sevenoaks' International Women's Day Celebration Lunch
- Hillview School for Girls Dance Platform Event
- Tonbridge School's Reception & Concert
- Tonbridge Baptist Church Easter Crafts Session for Longmead Primary School
- TMBC's Tonbridge Jobs Fair and Snodland Jobs Fair
- Alzheimer/Dementia Drop in Centre Event at Spadework
- Visit to Cage Green Primary School
- The Declaration Ceremony of The High Sheriff of Kent
- LAMPS Production

Arrangements were being finalised for future civic and charity events and the following were noted:

- Mayor's Charity Afternoon Tea at Tonbridge School on 14 May 2023 (further details to follow)
- Annual Council – 17 May 2023

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

**C 23/29 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 23/30 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 23/31 LEADER'S ANNOUNCEMENTS**

The Leader delivered the following statement to the Council:

*'Here we are, our final Council meeting of the 2019-2023 term of Tonbridge and Malling Borough Council. It has been a period in which this borough has changed beyond recognition and which I want to use my announcements tonight to reflect upon.*

*Four years ago, in May 2019, we all came here with a sense of purpose for what we wanted to achieve for our residents, ideas to make our towns and villages better. For some of us, who were elected for the first time in 2019, we had a clear vision of the change that we wished to make.*

*Then, in less than a year, the pandemic hit and everything changed. We saw this in our daily lives and also in our communities. As the local authority we had to take steps very quickly to make sure that day to day services did not grind to a halt.*

*I think we can all agree that Tonbridge and Malling Borough Council did an exceptional job through the pandemic. Whether it be making our borough safe again, providing millions of pounds of financial support to residents and businesses, or simply adapting our services to deal with the demands of the time. It was – in my opinion – a shining example of the role the public sector can play in co-ordinating and helping a borough, especially the most vulnerable.*

*The pandemic of course changed life for everyone, but it also made each of us reassess our priorities. The very way that we interact as a society has changed. We see this in the impact on some of our demand led services as well. We see tonnages in waste collections increase significantly and particularly during a period of lockdown, and yet demands for parking controls, for example, fall away particularly around stations. As a society I think we are still adapting to what the 'new normal' could be, and as a local authority, we have still got to do some adapting ourselves as well.*

*Reflecting on the pandemic, I cannot take any credit whatsoever for the leadership this Council provided, those thanks must go to my predecessor, Councillor Nicolas Heslop. It concluded an immensely successful 9 years as Leader and I am very sorry Councillor Heslop is standing down.*

*Councillor Heslop leads an illustrious list of members who won't be with us at Annual Council. I did a rough calculation earlier, and I reckon we are losing 212 years' worth of experience from Councillors in this Chamber next month, with 16 members not seeking re-election. This includes 4 former Mayors and decades of experience in the Cabinet or charring committees.*

*There is no doubt that the loss of so much experience in any organisation at one time presents a huge challenge for the council. So I would like to thank each and every member who is not seeking re-election for their contribution, however long you've been here. I know in my own group there are a lot of friends who are standing down who were very welcoming to me as a new member in 2019. I hope everyone is proud of all that they have achieved, however long they've been here, for their residents.*

*There will no doubt be others of us who are standing again who do not get re-elected on the 4<sup>th</sup> of May. I wish everyone the very best in their election campaigns. I for one hope to be here next month at Annual Council.*

*This means today could be my last Leader's Announcements. This will no doubt be the aim of all the opposition members, so I thought it useful to reflect on the 21 months I have held in the role, mainly so they know the state of play should they take over. It is fair to say that when I was elected 4 years ago I did not expect to be giving Leader's Announcements, until it actually happened I had not really prepared much for the role.*

*I did make a few pledges which I hope all members have seen that we stuck to. I said that we would develop policy more collaboratively, and I believe we have done just that. The regular Group Leaders meetings which did not happen before have been very useful and the Scrutiny Select Committees have given an opportunity for all members to set the agenda without being dominated by the Cabinet. I said the Council would modernise its practices and the report of the Corporate Peer Review in particular has helped us do that in so many ways.*

*As Leader I see my job set the strategic direction of the authority, and to lead from the front in delivery of high quality services. But this is not possible without an excellent team around me.*

*I'd like to thank all colleagues in the Conservative Group for placing their trust in me in July 2021, and for their loyalty, initiative and work ever since. It was a leap into the unknown for this Council and the Group to decide to elect the youngest and one of the newest members to lead it, but I do hope I have repaid that faith. To Councillors David Lettington and Martin Coffin who served brilliantly as Deputies and to all of those who served in Cabinet as well, I am very grateful for each of your leadership in your portfolios. To all of those who have chaired committees and contributed in any way, thank you for keeping me on my toes and for providing a leading role in policy formulation.*

*I'd like to thank all members across the Council for their support, encouragement and – on the whole – co-operation.*

*I've tried to be an outward looking Leader who spends as little time as possible in this building, and as much time as possible across Tonbridge and Malling. That is something I hoped to have achieved as well and I'm immensely grateful for the support of all residents up and down the borough during my tenure. I've been open, upfront and honest where there have been challenges and always gone out of my way to listen to the views of local people where issues arise.*

*There is also a group of people who deserve particular praise at this meeting, but seldom receive it. They are the officers of this Council. It is a competitive market and with regional recruitment and retention difficulties that we see in particular in some services and it does take a special type of commitment to work for a local authority. The temptation no doubt must be to head elsewhere, particularly when there is unfair criticism aimed at officers, which does happen on a daily basis from my experience as well.*

*The dedication of our officers is second to none. Everyone who I have worked closely with in the officer team has demonstrated this. I have been open to ideas and challenge privately, and I believe a strong mutual understanding and trust has developed. I hope all of the Management Team here tonight and their colleagues through their Service Management Teams and throughout the organisation would accept my thanks for all of the assistance they have provided to me, to the administration and to all members over that time, and obviously I hope to continue working with you after the election.*

*It is because of this that we have been able to deliver on the priorities of residents across Tonbridge and Malling. And there is so much we can be proud of together over the last 4 years.*

*Not only the millions distributed during the pandemic, but more recently the cost of living support. £25 million in housing benefit, £7 million in Council Tax support, £260,000 in low income vouchers, to name just three.*

*We have achieved this while remaining a debt free authority and keeping our council tax increase below inflation.*

*We've listened and brought people with us. To achieve thousands of responses to a Local Plan Regulation 18 consultation shows people are listening and want to be engaged. They heard our 'brownfield first' message and how this Council has spoken for people during this process.*

*At the start of this term we hadn't made any progress in dealing with Climate Change. Now look at us. A dedicated Cabinet Member who has run a carbon neutral business for over a decade, and an ambitious action plan that we are delivering.*

*We've installed electric charging points across the borough, planted thousands of trees, given green business grants to local businesses, put hundreds of PV panels on our buildings and were the first local authority in the South East to build its own eco-café at Leybourne Lakes.*

*This shows that we can be sustainable and support businesses. We've played a proactive role in developing Tonbridge Trade Park and working with the Arch Company to renovate Railway Approach in Tonbridge, we've secured the massive jobs boost at Panattoni Park in Aylesford to give thousands of local people the opportunity for local, skilled jobs.*

*We've supported the Leisure Trust through its most challenging times and seen regional and national accreditation for facilities at Larkfield Leisure Centre, Tonbridge Swimming Pool, Leybourne Lakes and Haysden Country Park. With our own award-winning parks Tonbridge and Malling Borough Council, either directly or through the Leisure Trust, leads the way in maintenance and provision of Leisure Facilities and Open Spaces.*

*And, most importantly, we have delivered what I said was the top priority in July 2021 when I took over as Leader and seen a significant improvement in the waste collection service. Re-rounding later this year will make collections even more efficient and we've ramped up our enforcements on litter and fly-tipping, clamping down on those who damage our environment.*

*We have made an awful lot of progress in two years that we should all be proud of. It is why I am keen that we have the opportunity to lead for another 4 years and to do even more to support our communities.*

*The steps taken in the past 4 years and in the 2 since I became Leader have been significant. Whether it is with me at the helm or not, transformation will be a key and critical theme of this Council after the elections. All elected members and officers will need to think about this very carefully, and boldly. But we have shown we can do it and there is nothing to fear.*

*Can I reiterate my thanks to all of those members who are retiring for all the work they have done to serve their communities with distinction for so long, and can I wish all re-standing members the very best of luck with their election campaigns.'*

The Leader's Announcements were available on the Borough Council's [YouTube channel](#).



**MATTERS FOR DECISION****C 23/32      PROGRAMME OF MEETINGS 2023 - 2025**

The proposed programme of meetings for the municipal years 2023/24 and 2024/25 were presented for consideration and were attached as Annexes 1 and 2 respectively. Management Team, Senior Officers and Cabinet Members had been consulted on the proposed dates. Subject to any amendments identified by Members the programmes would be presented to Annual Council for endorsement.

It was the responsibility of the annual meeting of the Council to approve a programme of meetings for the coming year. However, it was considered sensible to present the programmes to this meeting to allow time for any proposed revisions to be made.

As a result of the local election on Thursday 4 May 2023 and the Coronation Bank Holiday on Monday 8 May 2023, there had been a number of changes to the programme previously agreed in 2022 and Members attention was drawn to the amendments as detailed in paragraph 1.1.2 of the report.

In addition, the budget setting cycle for 2024 was subject to confirmation of dates for Kent County Council, Kent Police and Kent Fire and Rescue Service budget meetings. Currently, the provisional Borough Council programme allowed for Cabinet on 11 February 2024 and Council on 18 February 2024 and remained subject to change.

**RESOLVED:** That

- (1) the programme of meetings for 2023/24 (as set out in Annex 1) be approved and presented to Annual Council for endorsement; and
- (2) the draft programme of meetings for 2024/25 (as set out in Annex 2) be agreed, subject to final approval at Annual Council in May 2023.

**C 23/33      ANIMAL LICENSING POLICY CONSULTATION**

Item LA 23/4 referred from Licensing and Appeals Committee minutes of 28 March 2023.

**RESOLVED:** That the recommendations at Minute LA 23/4 be approved.

**C 23/34      DECISIONS TAKEN UNDER EMERGENCY OR URGENCY PROVISIONS**

Members noted that decision number D230019URG in respect of development management agency costs had been undertaken under urgency provisions as it was a departure from the Borough Council's adopted Budget and Policy Framework and in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules.

The reasons why this was considered an urgent decision were set out in the published Notice but related to maintaining service provision and performance.

**C 23/35      SEALING OF DOCUMENTS**

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

The meeting ended at 8.00 pm

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AUDIT COMMITTEE**

#### **MINUTES**

**Monday, 17th April, 2023**

**Present:** Cllr Mrs F A Kemp (Chair), Cllr N Foyle (Vice-Chair), Cllr T Bishop, Cllr R I B Cannon, Cllr N J Heslop, Cllr M R Rhodes and Cllr H S Rogers (substitute member).

**Virtual:** Councillors R P Betts, M A Coffin and W E Palmer 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 23/11 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of a substitute Member was recorded as set out below:

- Cllr Rogers substituting for Cllr Lark

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

##### **AU 23/12 DECLARATIONS OF INTEREST**

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

##### **AU 23/13 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Audit Committee held on 16 January 2023 be approved as a correct record and signed by the Chairman.

#### **MATTERS FOR RECOMMENDATION TO THE COUNCIL**

##### **AU 23/14 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 2022/23 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**

### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **AU 23/15 RISK MANAGEMENT**

The report of the Management Team provided an update on the risk management process and the Strategic Risk Register.

**RECOMMENDED:** That the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as 'RED' be noted.

**\*Referred to Cabinet**

### **DECISIONS TO BE TAKEN UNDER DELEGATED POWERS**

#### **AU 23/16 INFORMING THE AUDIT RISK ASSESSMENT FOR TONBRIDGE AND MALLING BOROUGH COUNCIL 2022/23**

The report of the Director of Finance and Transformation contributed towards the effective two-way communication between Tonbridge and Malling Borough Council's external auditors and the Audit Committee, as 'those charged with governance' in respect of the audit of the financial statements.

During discussion, reassurance was provided that procedures were in place to identify fraudulent Covid business support claims.

**RESOLVED:** That the responses to the questions set out at Annex 1 of the report, be endorsed.

#### **AU 23/17 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 an amendment had been made in respect of authority to reflect the person fulfilling the role of Chief Audit Executive as this was no longer the Audit and Assurance Manager but the Head of Internal Audit for Kent County Council.

It was reported that the Management Team had approved the Charter on 21 March 2023.

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

#### **AU 23/18 INTERNAL AUDIT AND FRAUD PLAN 2023/24**

The report of the Chief Audit Executive presented the Internal Audit and Fraud Plan for 2023/24 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 Directors both individually and collectively as part of Management Teams. The Plan had been reviewed and endorsed by the Management Team.

During discussion, Members welcomed the inclusion of the Local Plan and S.106 agreements in the 2023/24 Plan.

**RESOLVED:** That the Internal Audit and Fraud Plan for 2023/24, as set out at Annex 1 to the report, be approved.

#### **MATTERS SUBMITTED FOR INFORMATION**

#### **AU 23/19 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 2022/23.

**RESOLVED:** That the report be noted.

#### **AU 23/20 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 against the Annual Internal Audit and Counter Fraud Plan for 2022/23. The Council's activities in preventing and detecting fraud and corruption in 2022/23 to quarter 3 were detailed in the report.

Progress against the 2022/23 Internal Audit Plan was currently on target and all outstanding audits had scheduled completion dates before the presentation of the Annual report to the Committee in July 2023.

**RESOLVED:** That the report be noted.

**AU 23/21 GRANT THORNTON 2022/23 AUDIT PLAN**

The report of the Director of Finance and Transformation introduced the 2022/23 Audit Plan received from the external auditors in respect of the audit of the Council's financial statements which was presented by Ms Sophia Brown, Key Audit Manager, Grant Thornton.

**RESOLVED:** That the report be noted.

**AU 23/22 CHAIRMAN'S ANNOUNCEMENTS**

Members of the Committee requested that their appreciation to the Chief Financial Officer, Neil Lawley, be recorded.

**AU 23/23 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

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

**PART 2 - PRIVATE**

**AU 23/24 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 2023.

**RESOLVED:** That the report be noted.

The meeting ended at 8.21 pm

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **AREA 3 PLANNING COMMITTEE**

### **MINUTES**

**Thursday, 20th April, 2023**

**Present:** Cllr M C Base (Chair), Cllr D J Cooper (Vice-Chair), Cllr Mrs S Bell, Cllr T Bishop, Cllr R I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr S M Hammond, Cllr P M Hickmott, Cllr A Kennedy, Cllr D Lettington, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr Mrs M Tatton, Cllr D Thornewell and Cllr C J Williams

**Virtual:** Councillor V M C Branson participated via MS Teams in accordance with Access to Information Rule No 23.

Apologies for absence were received from Councillors A P J Keeley, D Keers and Mrs R F Lettington.

### **PART 1 - PUBLIC**

#### **AP3 23/1 DECLARATIONS OF INTEREST**

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

#### **AP3 23/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 10 November 2022 be approved as a correct record and signed by the Chairman.

#### **AP3 23/3 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)**

**AP3 23/4 TM/22/01909/OA - DEVELOPMENT SITE SOUTHERN PART OF  
FORMER AYLESFORD QUARRY, ROCHESTER ROAD,  
AYLESFORD**

Outline Application: A later living community comprising up to 250 age-restricted dwellings (Class C3), up to 191 extra care houses and apartments (Class C2) with associated community facilities within a central hub building, an 80 bed care home (Class C2), a new facility for the local Scouts and parking, associated green infrastructure including landscaping, public open space, allotments, biodiversity enhancements and associated accesses to Rochester Road and Bull Lane.

There was detailed discussion on the S106 contributions where members expressed concern regarding the prioritisation of residents with local connections in the consideration of applications for affordable housing to be provided by the proposed development and felt that a Local Lettings Plan would be beneficial.

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

- (1) The applicant entering into a planning obligation with the Borough Council to provide on-site affordable housing and contributions towards off-site provision, and contributions towards healthcare provision;
- (2) The applicant entering into a planning obligation with Kent County Council to make financial contributions towards public transport provision, adult education facilities, monitoring of the travel plan, libraries and community services;

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 20 October 2023, a report back to the Area 3 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 Chair and Ward Members;



- (3) The potential negotiation for a Local Lettings Plan in respect of prioritisation of residents with local connections in the consideration of applications for elements of the affordable housing to be pursued in consultation with the Borough Council and the applicant. The Director of Planning, Housing and Environmental Health to be given delegated authority, in consultation with the Chair and Ward Members, to agree the Local Lettings Plan if negotiations between the Borough Council and applicant were successful;

- (4) Additional Conditions:

33. With the submission of each phase, a biodiversity gain plan shall be submitted to and approved in writing by the local planning authority. The biodiversity gain plan shall include the following:

- A review and where necessary an update of the Defra Biodiversity Metric 3.1 submitted as part of TM/22/01909/OA (Aspect Ecology (February 2023) Supplementary Ecology Information), demonstrating the site will achieve a biodiversity net gain;
- Biodiversity net gain calculations for the site based upon an ecological baseline that takes into consideration the approved restoration scheme, protected and priority species and habitats recorded within baseline data collected for the outline application submission, as well as any necessary further survey data collected to support the associated reserved matters applications;
- Habitats as well as features beneficial to wildlife (such as reptile and amphibian hibernacula/log piles, bird and bat boxes, and hedgehog highways);
- Detailed planting specification(s) to include the use of native species in soft landscaping and the avoidance of known non-native invasive species; and
- The scheme shall also include details of the timing of the respective elements forming the plan.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to enhance the Biodiversity of the area in accordance with Paragraph 170 of the NPPF 2021 and Policies NE3 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document.

34. With the submission of each phase, in the case of communal/publicly accessible areas/off site enhancement areas,

a biodiversity management and monitoring plan shall be submitted to and approved in writing by the local planning authority. The plan shall include the following:

- Description and evaluation of the relevant habitats and species requiring monitoring and management as identified in the biodiversity gain plan;
- Constraints on-site that might influence management;
- Aims and objectives of the management;
- Proposed management/ maintenance, monitoring and remedial arrangements for the detailed planting specifications and habitat features agreed as part of condition 33 to achieve the aims and objectives. It should be noted that the monitoring arrangements will need to include reference to any ecological monitoring carried out for other purposes (e.g., as required as part of relevant great crested newt licensing), monitoring of the success of habitat establishment and its condition as per the Defra Metric 3.1, populations of individual/groups of species (e.g., reptiles, invertebrates etc.), the recreational and lighting impacts and where relevant remedial measures needed/taken;
- Preparation of a work schedule (capable of being rolled forward); and
- Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

Monitoring reports shall be submitted to the Council during years 2, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management and Monitoring Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed/taken.

The approved scheme shall be fully implemented prior to the occupation of the dwelling(s) and thereafter maintained.

Reason: To secure a measurable biodiversity net gain in line with paragraph 180 of the National Planning Policy Framework 2021.

35. With the submission of the first reserved matters application or prior to the commencement of works (including site clearance) (whichever is soonest), a biodiversity method statement will be submitted to, and approved by, the local

planning authority. The content of the method statement will be based upon the measures proposed within Chapter 11 of the Environmental Statement (DHA (August 2022)) Environmental Statement Chapter 11: Biodiversity. Aylesford Later Living Community – Land at East Lake, Aylesford Quarry, Aylesford, Kent. Ref: TS/16808 and Aspect Ecology Supplementary Ecology Information (February 2023). The method statement will also need to include any measures recommended as a result of updated habitat/species surveys undertaken where existing survey data is out of date (as advised by a suitably qualified and experienced ecologist) in line with Chartered Institute of Ecology and Environmental Management (CIEEM) guidance. The method statement will include the:

- Purpose and objectives for the proposed works;
- Methodology necessary to achieve stated objectives;
- Extent and location of proposed construction and mitigation works, shown on appropriate scale maps and plans;
- Reference to the details of any necessary protected species licences required for works to be undertaken on-site (e.g., great crested newt);
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/oversee works;
- Use of protective fences, exclusion barriers and warning signs;
- Initial aftercare and long-term maintenance (where relevant), and;
- Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and retained thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

36. With the submission of each reserved matters application a review of the biodiversity method statement submitted as part of condition 35 must be carried out. An updated biodiversity method statement or a letter demonstrating that the biodiversity method

statement is still valid must be submitted to the LPA for written approval. The biodiversity method statement must be implemented as approved.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

37. With each reserved matters application, a lighting design strategy for biodiversity will be submitted to and approved in writing by the local planning authority. The strategy shall consider the recommendations contained within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' (or subsequent updates). The strategy shall also demonstrate compliance with the Recreational Zoning and Lighting Principles Plan (5946/SUP1) and include the following:

- The identification of areas/features on-site where disturbance could occur to bat breeding/roosting sites and/or foraging/commuting routes;
- The provision of an appropriate plan(s) to show how and where external lighting will be installed;
- The provision of technical specifications for the external lighting along with an explanation of how the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' (and/or subsequent updates) has been considered during the lighting selection process;
- A demonstration that internal lighting with the potential to produce light spill upon 'important bat habitat' has been selected and positioned in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' (and/or subsequent updates); and
- The provision of lighting contour plans to show expected lux levels on both the horizontal and vertical planes, so that it can be clearly demonstrated that areas to be lit will not disturb bat activity. Sufficient information should be included on plans to enable non-lighting professionals to understand the avoidance and mitigation measures proposed, as indicated within Step 5: Demonstrate compliance with illuminance limits and buffers within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To mitigate for the potential effects of the development upon legally protected roosting, commuting and foraging bats.

38. No phase or sub-phase of the development shall be occupied until a scheme is submitted to and approved in writing by the Local Planning Authority to secure public access to the wider site from Aylesford Village. The approved scheme shall be provided in strict accordance with the approved details prior to occupation of that phase or sub-phase of the development and retained for the lifetime of the development.

Reason: In the interests of ensuring access to the public areas of the development for the benefit of the wider community.

In accordance with Council Procedure Rule 8. 6, Part 4 (Rules) of the Constitution, Councillor Dalton requested that it be recorded in the Minutes that he had voted against approval of the planning application.

[Speakers: Mr J Green (on behalf of Mrs S Green), Mrs A Rillie and Dr T Johnson – members of the public and Mr H Buttle on behalf of the applicant addressed the Committee in person]

## **PART 2 - PRIVATE**

### **AP3 23/5 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.44 pm



# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **COUNCIL MEETING**

### **MINUTES**

**Wednesday, 17th May, 2023**

At the Statutory Annual meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 17th May, 2023

**Present:** Her Worship the Mayor (Councillor Mrs S Bell for Items 1-3)  
His Worship the Mayor (Councillor J R S Lark for Items 4 – 21),  
the Deputy Mayor (Councillor S M Hammond for Items 4 – 21),  
Cllr L Athwal, Cllr B Banks, Cllr K Barton, Cllr A G Bennison,  
Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr P Boxall,  
Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr J Clokey,  
Cllr M A Coffin, Cllr A Cope, Cllr S Crisp, Cllr R W Dalton,  
Cllr D A S Davis, Cllr Mrs T Dean, Cllr D Harman, Cllr P M Hickmott,  
Cllr G B Hines, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson,  
Cllr D Keers, Cllr D W King, Cllr W J Mallard, Cllr A McDermott,  
Cllr A Mehmet, Cllr Mrs A S Oakley, Cllr R W G Oliver,  
Cllr W E Palmer, Cllr B A Parry, Cllr M R Rhodes, Cllr R V Roud,  
Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr D Thornevell,  
Cllr K S Tunstall and Cllr C J Williams

### **PART 1 - PUBLIC**

#### **C 23/36 ELECTION OF MAYOR**

It was proposed by Councillor Boughton and seconded by Councillor Hudson that Councillor James Lark be elected Mayor for the municipal year 2023/24.

Particular reference was made to the importance of the Mayor's casting vote in a council with 'no overall control' and some Members indicated that they would vote against this nomination.

As the votes for and against were tied at 22 each the Mayor used their casting vote in favour of the nomination.

**RESOLVED:** That Councillor James Lark be elected Mayor for the municipal year 2023/24.

The Mayor, having made the statutory declaration of acceptance of office assumed the Chair and thanked Members for their election.

**C 23/37 VOTE OF THANKS TO RETIRING MAYOR**

Members expressed appreciation to the retiring Mayor for dedicated and loyal service to the Borough and its residents and commended their enthusiasm and active promotion of Tonbridge and Malling.

In response to the thanks expressed, Councillor Bell recorded appreciation to Councillor Lark for their support as Deputy Mayor, to the Mayor Consort, the many organisations that had contributed to the Mayoral events, the Chaplain and everyone who had shown such generosity and support. Finally, Councillor Bell was pleased to report that over £4,000 had been raised in support of the Mayor's Charity, the Tonbridge Dementia Friendly Community.

Finally, Councillor Bell expressed appreciation for the opportunity to have represented Tonbridge and Malling at the many events held to celebrate the late Queens Platinum Jubilee and felt honoured to have been involved in the new Kings Proclamation at Tonbridge Castle.

It was proposed by Councillor Lark, seconded by Councillor Boughton and

**RESOLVED:** That the Borough Council's sincere appreciation be recorded for the excellent manner in which the retiring Mayor, Councillor Sue Bell, had performed the mayoral duties both in the Council Chamber and throughout the Borough during the preceding year.

**C 23/38 ELECTION OF DEPUTY MAYOR**

It was proposed by Councillor Cannon, seconded by Councillor Williams and

**RESOLVED:** That Councillor Steve Hammond be appointed Deputy Mayor for the municipal year 2023/24.

The Deputy Mayor made the statutory declaration of acceptance of office and thanked Members for the appointment.

**C 23/39 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the meeting of the Council held on 11 April 2023 be approved as a correct record and signed by the Mayor.

**C 23/40 MAYOR'S ANNOUNCEMENTS**

The new Mayor thanked Members for their election, expressed appreciation for the good wishes received and acknowledged the challenges in respect of the 'casting vote. It was announced that the Mayor's Charity would be Arthur's Quest which was a Tonbridge based



patient advocacy group dedicated to improving the lives of children and families affected by a rare debilitating neurological condition that currently had no cure. Their focus was to raise awareness and fundraising to advance scientific research that would ultimately result in a cure.

All were asked to show support by participating in the Mayoral events and fundraising efforts throughout the year.

**C 23/41      RETURNING OFFICER'S CERTIFICATE**

The Deputy Chief Executive, as Returning Officer, submitted a report listing persons who had been elected as Councillors at the Borough Council Elections held on 4 May 2023

The Council's thanks were recorded to the Returning Officer and all staff involved for their efficiency during the polling and count for the elections and in maintaining services from the office.

**C 23/42      ELECTION OF LEADER**

It was proposed by Councillor Coffin and seconded by Councillor Hudson that Councillor Matt Boughton be elected as Leader of the Council for the next four years.

Some Members indicated that they did not endorse this nomination and would vote against this nomination. As the votes for and against were tied at 22 each the Mayor used their casting vote in favour of the nomination.

**RESOLVED:** That Councillor Matt Boughton be elected as Leader of the Council for the ensuing four years.

**C 23/43      APPOINTMENTS TO CABINET**

The Leader presented details of the composition of the Cabinet and expressed his gratitude to former Cabinet Members for their contributions. He also thanked the Independent Alliance (Kent) group for supporting his leadership and welcomed the opportunity for greater collaborative working.

**RESOLVED:** That it be noted that the Cabinet would comprise 5 Members (in addition to the Leader) with the responsibilities as set out in Annex 1 and duplicated below:

Cllr Matt Boughton	- Executive Leader
Cllr Martin Coffin	- Deputy Executive Leader; and Cabinet Member for Transformation and Infrastructure
Cllr Robin Betts	- Climate Change, Regeneration and Property
Cllr Des Keers	- Community Services
Cllr K Tanner	- Finance and Housing
Cllr M Taylor	- Planning

## **C 23/44 CHANGES TO THE CONSTITUTION - ELECTORAL CHANGES**

The report of the Monitoring Officer recommended a number of amendments to the Constitution to reflect the changes introduced by the Local Government Boundary Commission. The changes proposed were predominantly required to ensure that the governance arrangements for the Borough Council were in accordance with the Tonbridge and Malling (Electoral Changes) Order 2022.

The principal changes related to a reduced number of councillors, warding arrangements for the Area Planning Committees and the size of committees. Details of these proposed changes were set out in 1.1.8 to 1.1.15 and 1.1.16 to 1.1.18 of the report.

In addition, the opportunity had been taken to make some minor changes to address inconsistencies and inaccuracies and these were set out in Annex 1.

After careful consideration of the options in respect of the warding arrangements for the Area Planning Committees to reflect the new ward boundaries, it was proposed by Councillor Coffin, seconded by Councillor Boughton that:

- Members for both Bourne and East Malling, West Malling and Offham wards attend Area 2 Planning Committee.

This proposal was supported by the majority of Members. However, it was suggested that joint meetings of Area Planning Committees should be considered for significant applications that covered or adjoined more than one ward area.

**RESOLVED:** That

- (1) the proposed changes to the Area Planning Committees as set out in paragraph 1.1.15 of the report, and summarised above, be

approved and the Monitoring Officer authorised to make consequential changes to the Constitution;

- (2) the Monitoring Officer be authorised to amend the Constitution, as set out at Annex 1, to give effect to the changes outlined in 1.1.6 and 1.1.19 of the report; and
- (3) subject to the amendments set out above, the current Constitution as set out at Annex 2 be approved.

## **C 23/45 POLITICAL BALANCE ARRANGEMENTS**

The report of the Director of Central Services and Deputy Chief Executive set out details of political balance arrangements to be applied to the Borough Council's committees, sub-committees, boards and panels.

Members were also invited to consider whether to reduce the size of committees in light of changes introduced by the Tonbridge and Malling (Electoral Changes) Order 2022, which had seen a reduction in the number of Members from 54 to 44. The number of committee seats allocated to the political parties depended upon whether Members wished to reduce the size of committees or retain the existing sizes.

A number of options in respect of political balance calculations had been undertaken and were presented for consideration. Option A was based upon the existing 128 seats in total; Option B was based upon a reduced number of 110 seats (all committees with odd numbers); Option C was based upon a reduced number of 104 seats (all committees with even sizes). These were detailed in Annex 1.

After careful consideration of the political balance options presented, Councillor Boughton proposed, seconded by Councillor Coffin that the Borough Council's political balance be based upon a reduced number of 110 seats (all committees with odd numbers) as set out in Option B on the grounds of reflecting a reduced number of Members and removing the reliance on Chair casting votes.

This proposal was supported by the majority of Members.

**RESOLVED:** That the composition of all committees, sub-committees and boards/panels be approved in accordance with Members preferred Option B, as detailed in Annex 1 of the report, and the Monitoring Officer authorised to make any consequential amendments to the Council's Constitution in respect of political balance.

## **C 23/46 APPOINTMENTS TO COMMITTEES**

**RESOLVED:** That appointments to the Committees of the Council for 2023/24 be approved as set out at Annex 2 (Option B)

**C 23/47 APPOINTMENTS TO SCRUTINY SELECT COMMITTEES, PANELS AND OTHER MEMBER GROUPS**

**RESOLVED:** That appointments to the Scrutiny Select Committees, Advisory Panels and other member groups of the Council for 2023/24 be approved as set out at Annex 3 (Option B).

**C 23/48 APPOINTMENT OF CHAIR AND VICE-CHAIR**

**RESOLVED:** That appointments of Chair and Vice-Chair of each Committee, Scrutiny Select Committee, Panel and Group for 2023/24 be approved as set out at Annex 4; subject to:

- (1) Councillor Mark Hood approved as second Vice-Chair of Overview and Scrutiny Committee; and
- (2) Councillor George Hines approved as Chair of Tonbridge Community Forum

**C 23/49 APPOINTMENTS TO OUTSIDE BODIES**

A number of queries related to the procedure for appointing to outside bodies, and receiving update reports from those organisations were raised. It was suggested that the remit of outside bodies and appointments be reviewed by the Overview and Scrutiny Committee as part of their future work programme.

**RESOLVED:** That appointments to serve on outside bodies for 2023/24 be approved as set out at Annex 5.

**C 23/50 APPOINTMENT OF SUBSTITUTE MEMBERS**

**RESOLVED:** That appointments to serve as substitute members for 2023/24 be approved as set out at Annex 6.

**C 23/51 SCHEME OF DELEGATIONS**

Members were invited to confirm the Scheme of Delegation in compliance with the Constitution.

**RESOLVED:** That

- a) those parts of the scheme of delegation set out in Part 3 of the Constitution which are for the Council to approve (Responsibility for Council Functions) be confirmed;
- b) the Leader's recommendations concerning the arrangements for decision-making by individual executive Members set out in Part 3 of the Constitution (Responsibility for Executive Functions and Portfolios of Cabinet Members) be adopted; and

- c) the current scheme of delegation to officers in respect of executive functions set out in Part 3 of the Constitution (Functions and Powers Delegated to Officers) be re-adopted.

**C 23/52      PROGRAMME OF MEETINGS**

The programme of Council, Cabinet, Committee and Panel meetings for 2023/24 was presented for approval.

**RESOLVED:** That

- (1) the programme of meetings for 2023/4 (as set out at Annex 1 to the report) be approved; and
- (2) the provisional programme of meetings for 2024/25 (as set out at Annex 2 to the report) be approved.

**C 23/53      AUDIT COMMITTEE ANNUAL REPORT**

Item AU 23/14 referred from the Audit Committee minutes of 17 April 2023

**RESOLVED:** That the recommendations at Minute AU 23/24 be approved.

**C 23/54      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 9.25 pm



# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **CABINET**

## **MINUTES**

**Tuesday, 6th June, 2023**

**Present:** Cllr M D Boughton (Chair), Cllr R P Betts, Cllr M A Coffin, Cllr D Keers, Cllr K B Tanner and Cllr M Taylor

**In attendance:** Cllrs A G Bennison and M A J Hood were also present pursuant to Access to Information Rule No 23.

(Note: Cllrs S Bell, M Rhodes and Mrs A Oakley listened to the discussion via MS Teams)

### **PART 1 - PUBLIC**

#### **CB 23/50 DECLARATIONS OF INTEREST**

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

#### **CB 23/51 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 4 April 2023 be approved as a correct record and signed by the Chairman.

### **DECISIONS TO BE TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**

#### **EXECUTIVE KEY DECISIONS**

#### **CB 23/52 CAR PARKING FEES AND CHARGES - HAYSDEN COUNTRY PARK - OUTCOME OF PUBLIC CONSULTATION**

(Decision Notice D230049CAB)

The report of the Director of Street Scene, Leisure and Technical Services set out proposals for changes to car parking tariffs in the Borough Council's Haysden Country Park in Tonbridge. The proposed changes were outlined in the Formal Consultation Notice attached at Annex 1.

A number of objections and comments had been received during the statutory consultation period and these responses were set out in Annex 2.

Cabinet noted that the proposed changes were reviewed within the context of a set of guiding principles, the cost of the parking service to the Borough Council and ongoing investment in the parking management service. It was anticipated that the new charges would be introduced in late July 2023.

Finally, it was noted that the income received from car parking contributed to the operation of the Country Park and the value of Automatic Number Plate Recognition (ANPR) at the site continued to be explored.

Careful consideration was given to the legal, financial and value for money implications and the responses to the public consultation were taken into account.

**RESOLVED:** That

- (1) the objections to the proposed changes to the off-street parking charges (as detailed in Annex 2) be set aside; and
- (2) the appropriate Traffic Regulation Order be approved to facilitate the variation of the off-street parking charges (as detailed in Annex 1 and summarised below) to come into effect as soon as possible:
  - an increase of 20p (to £2.00) to the 'up to 4 hour' tariff
  - an increase of 50p (to £4.50) for the 'over 4 hour' tariff
  - an increase of £5 (up to £65) for 12 month car park season tickets

**EXECUTIVE NON-KEY DECISIONS**

**CB 23/53 REVENUE AND CAPITAL OUTTURN 2022/23**

(Decision Notice D230050CAB)

In accordance with the Borough Council's Financial Procedure Rules, the report of the Chief Executive and the Director of Finance and Transformation detailed actual Revenue and Capital Outturn for the year ended 31 March 2023 and subsequent adjustments made in light of the Outturn position.

As part of the closedown of accounts, a review of specific earmarked reserves held by the Borough Council had been undertaken and these were detailed in 1.2.3 of the report.

Cabinet welcomed the positive outturn position, which could be attributed to above profile performance on investment returns and major operational income streams, recognised that the financial outlook



remained challenging and that the focus in 2023/24 would be to identify and deliver the savings target of £500,000 before 2024/25.

To ensure that this target was achieved, proposals in respect of potential savings would be formulated in consultation with Officers at an earlier stage, in advance of the budget setting process for 2024/25.

**RESOLVED:** That

- (1) the Revenue and Capital Outturn for year 2022/23 be endorsed and noted;
- (2) the action taken following a review of specific earmarked reserves, set out at paragraph 1.2.3, be endorsed and noted;
- (3) the Treasury Management and Investment Strategy Review 2022/23, set out at Annex 2) be endorsed and noted; and
- (4) a timetable for the programme of savings and transformation contributions be progressed, in consultation with Officers, as soon as possible to meet the demands of the budget setting process to ensure the target of £500,000 was achieved by the start of the financial year 2024/25

#### **CB 23/54 RISK MANAGEMENT**

(Decision Notice D230051CAB)

Consideration was given to recommendation AU 23/15 of the Audit Committee of 17 April 2023.

Cabinet noted that the risks categorised as 'RED' were:

- Financial position/budget deficit;
- Economic stability;
- Corporate strategy and Savings and Transformation Strategy;
- Local Plan;
- Organizational development including recruitment and retention/skills mix;
- Homes for Ukraine Scheme; and
- Implementation of the Agile software system

**RESOLVED:** That the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as 'RED' (summarised above) be noted.

**MATTERS SUBMITTED FOR INFORMATION****CB 23/55 MINUTES OF PANELS, BOARDS AND OTHER GROUPS**

The Minutes of the Joint Transportation Board of 6 March 2023 were received and noted.

**CB 23/56 DECISIONS TAKEN BY CABINET MEMBERS**

Details of the Decisions taken in accordance with the rules for the making of decisions by executive members, as set out in Part 4 of the Constitution, were presented for information.

**CB 23/57 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.50 pm

**TONBRIDGE AND MALLING BOROUGH COUNCIL**  
**HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE**

**MINUTES**

**Wednesday, 7th June, 2023**

**Present:** Cllr D A S Davis (Chair), Cllr D W King (Vice-Chair),  
Cllr L Athwal, Cllr G C Bridge, Cllr D Harman,  
Cllr M A J Hood, Cllr A Mehmet, Cllr W E Palmer,  
Cllr R V Roud, Cllr D Thornevell and Cllr M R Rhodes  
(substitute)

**In attendance:** Councillors M D Boughton, A G Bennison, J Clokey, S Crisp,  
Mrs T Dean, F A Hoskins, K B Tanner, Mrs M Tatton and  
M Taylor were also present pursuant to Council Procedure  
Rule No 15.21.

**Virtual:** Councillor B A Parry participated via MS Teams in  
accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors  
Mrs S Bell and R W Dalton.

**HP 23/8 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute Members were recorded as set out below:

- Councillor M R Rhodes substituting for Councillor Mrs S Bell

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.

**HP 23/9 DECLARATIONS OF INTEREST**

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

**HP 23/10 MINUTES**

**RESOLVED:** That the notes of the meeting of the Housing and  
Planning Scrutiny Select Committee held on 21 March 2023 be  
approved as a correct record and signed by the Chair.

## **MATTERS FOR RECOMMENDATION TO THE CABINET**

### **HP 23/11 NEW LOCAL DEVELOPMENT SCHEME**

The report of the Director of Planning, Housing and Environmental Health set out the new Local Development Scheme (LDS) timetable for the preparation of the Local Plan to enable the deadlines to be met once the Levelling Up and Regeneration Bill was enacted and recommendation was sought from Members on the timetable and the associated budgets and costs of this work.

Members had regard to the key dates set out in the new LDS timetable, next stages in the preparation of the Local Plan, the legal implications and the financial and value for money consideration detailed in the report. Identified risks and issues and recommendations for mitigation were listed in Annex 2 and a full cost breakdown was set out in Annex 3. In respect of the proposed one-off injection of £330,000 to the reserve, it was noted that the majority of the additional spend related to the new requirement to produce borough-wide design codes which was not previously budgeted for.

Clarity was sought around the inclusion of the additional 57 identified sites as part of the Regulation 18 consultation and potential changes to the National Planning Policy Framework (NPPF), with particular reference made to the Green Belt and housing targets. In response Members were advised that these additional sites would be treated in the same way as the other sites identified through the previous Call for Sites exercise and all the sites would be considered as a whole set during the second round of the Regulation 18B consultation. Members were further advised that there was potential for the housing delivery target to be set not directly by the Objectively Assessed Needs and potential for a different approach to Green Belt boundaries subject to proposed changes to the NPPF being adopted.

Positive political engagement and collaboration between Officers and Members throughout the Local Plan process was regarded key in securing its successful adoption and Members were assured that Officers were monitoring and managing progress closely with ongoing reassurance support from Audit.

#### **RECOMMENDED\*: That**

- (1) the new Local Development Scheme and timetable, as set out at Annex 1, be adopted; and
- (2) the additional budget requirements of the Local Plan and the need for further financial provision in future budget setting process be noted.

**\* Referred to Cabinet**

**HP 23/12 HOUSING STANDARDS IN RENTED PROPERTIES IN ENGLAND**

(Decision Notice D230052MEM)

Members were updated on the Government focus on improving housing standards in rented properties and how the Borough Council had responded to the requests of the Secretary of State for Levelling Up, Housing and Communities in respect of damp and mould issues affecting privately rented properties in the borough and enforcement of housing standards.

A copy of the Borough Council's initial response was attached at Annex 1 and a full response was subsequently submitted via online survey with a focus on Housing Health and Safety Rating Scheme. It was highlighted from both responses that the Borough Council already had a robust approach to dealing with damp and mould complaints/issues within the borough, however it was recognised that a jointly agreed formal approach to damp and mould complaints needed to be developed with Clarion Housing Group, being the main housing provider in the borough.

In addition, Members were updated on how Clarion Housing Group were responding on this important issue and noted the Borough Council's intention to work with them in a more formal manner to ensure social housing in the borough was of an acceptable standard and to develop a targeted repairs monitoring framework with them to ensure the Borough Council were regularly updated on the condition of their housing stock and could offer support when needed to. Members expressed concern in respect of the performance of Clarion Housing Group in dealing with damp and mould repair and treatment issues and quality of the works and requested that these be included as part of the KPI monitoring.

**RECOMMENDED\*: That**

- (1) a written request be sent from the Cabinet Member for Finance and Housing to Clarion Housing Group to seek their cooperation in agreeing a Memorandum of Understanding on how property condition complaints would be dealt with by both parties; and
- (2) a monitoring framework be adopted and reported on regularly, including to the Housing Association Liaison Panel.

**\* Decision Taken by Cabinet Member**

**MATTERS SUBMITTED FOR INFORMATION**

**HP 23/13 KEY PERFORMANCE INDICATORS**

Members received a list of Key Performance Indicators (KPIs) that were relevant to the committee. A baseline covering April to June 2022 had been used, with the data for January to March 2023 representing the most up-to-date available statistics in most instances. The KPIs would be monitored on a quarterly-annual basis and would be made available on an ongoing basis.

Members were requested to submit any questions regarding the KPIs to the relevant Director at least two days in advance of the meeting in order to ensure that a suitable response could be provided at the meeting.

**HP 23/14 WORK PROGRAMME 2023/24**

The Work Programme setting out matters to be scrutinised during 2023/24 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**HP 23/15 EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 8.50 pm

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **AREA 3 PLANNING COMMITTEE**

### **MINUTES**

**Thursday, 8th June, 2023**

**Present:** Cllr D Thornewell (Chair), Cllr Mrs S Bell, Cllr A G Bennison, Cllr T Bishop, Cllr R I B Cannon, Cllr D A S Davis, Cllr S M Hammond, Cllr D Keers, Cllr A McDermott, Cllr Mrs A S Oakley and Cllr C J Williams

\*Due to unforeseen circumstances, Cllrs Bennison and Keers arrived part way through the meeting and were unable to speak or vote on any matters in accordance with the rules set out in Part 5 of the Constitution.

**In attendance:** Councillors R V Roud, Mrs M Tatton, M D Boughton and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Councillors M D Boughton and M R Rhodes participated via MS Teams in accordance with Access to Information Rule No 23.

Apologies for absence were received from Councillors R W Dalton, P M Hickmott and W J Mallard

(Note: Cllr Dalton submitted apologies for in-person attendance and participated via MS Teams when invited by the Chair to do so)

### **PART 1 - PUBLIC**

#### **AP3 23/6 DECLARATIONS OF INTEREST**

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

#### **AP3 23/7 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 20 April 2023 be approved as a correct record and signed by the Chairman.

#### **AP3 23/8 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)**

**AP3 23/9 TM/22/00113/OAEA - DEVELOPMENT SITE AT BUSHEY WOOD,  
PHASE 1, BULL LANE, ECCLES, AYLESFORD**

Residential development of up to 950 dwellings, provision of a mixed-use local centre (including Class E, F and C3 with potential for retirement homes) provision of land to accommodate a new primary school, replacement sports pitches with changing facilities; associated green infrastructure including landscaping, public open space, allotments, sustainable urban drainage systems, biodiversity enhancements; new accesses from Bull Lane; new access and road/cycleway/footpath link to New Court Road

There was a need for the Borough Council to consider its position in response to the applicant's submission of a non-determination appeal under the Town and Country Planning Act 1990: Appeal under Section 78 and to set out what Members consideration of the application would have been had they had an opportunity to determine the submission.

Careful consideration was given to the potential impacts of the proposed development on local infrastructure and Members expressed significant concern in respect of the impact on the surrounding road network, local GP and school provision and community facilities. Members also had due regard to the comments of the public speakers.

**RESOLVED:** That

- (1) had the Borough Council been able to determine the application, outline planning permission would have been REFUSED for the following reason:
  - in the absence of information to demonstrate to the contrary, insufficient detail had been submitted to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency on the strategic road network contrary to Policy SQ8 of the MDE DPD and paragraphs 110D, 111, 113 of the NPPF;
- (2) delegated authority be given to the Director of Planning, Housing and Environmental Health, in consultation with the Chair of Area 3



Planning Committee, to keep the ground for refusal under review during the appeal process and to withdraw the ground if National Highways removed their objection to the application.

[Speakers: Mr S Beadle of behalf of the Eccles Action Group; Ms A Rillie on behalf of the British Horse Society in N and W Kent; Mr A Ludlow and Mr T Johnson, Members of the Public; and Mr Edwards on behalf of the applicant]

## **PART 2 - PRIVATE**

### **AP3 23/10 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.50 pm  
Having commenced at 6.30 pm



## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **FINANCE, REGENERATION AND PROPERTY SCRUTINY SELECT COMMITTEE**

#### **MINUTES**

**Tuesday, 13th June, 2023**

**Present:** Cllr D Harman (Chair), Cllr C Brown (Vice-Chair), Cllr P Boxall, Cllr R I B Cannon, Cllr Mrs T Dean, Cllr B A Parry, Cllr M R Rhodes, Cllr C J Williams, Cllr G C Bridge (substitute), Cllr G B Hines (substitute) and Cllr S A Hudson (substitute)

**In attendance:** Councillors K Barton, A G Bennison, M A J Hood, F A Hoskins, Mrs A S Oakley, Mrs M Tatton and D Thornewell, R P Betts, M D Boughton, M A Coffin, D Keers, D W King and K S Tunstall were also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Cllrs R P Betts, M D Boughton, M A Coffin, D Keers, D W King and K S Tunstall participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors L Athwal, T Bishop, W J Mallard, A Mehmet and W E Palmer

(Note: Cllr Palmer submitted apologies for in person attendance but listened to the discussion via MS Teams).

#### **PART 1 - PUBLIC**

##### **FRP 23/10 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

- Councillor G Bridge substituted for Councillor T Bishop
- Councillor G Hines substituted for Councillor L Athwal
- Councillor S Hudson substituted for Councillor A Mehmet

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.

##### **FRP 23/11 DECLARATIONS OF INTEREST**

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

## FRP 23/12 MINUTES

**RESOLVED:** That the notes of the meeting of the Finance, Regeneration and Property Scrutiny Select Committee held on 14 March 2023 be approved as a correct record and signed by the Chair.

### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### FRP 23/13 TMBC OWNED SITES - LOCAL PLAN

Careful consideration was given to a number of sites identified for potential development as part of the Local Plan process and Urban Capacity Study. Members were reminded that potential development sites could be brought forward through the planning approval process and did not specifically require allocation in the Local Plan to do so. However, at this stage no decisions on particular sites for inclusion had yet been made by the Borough Council acting as the Local Planning Authority.

The report of the Director of Central Services & Deputy Chief Executive sought Members' views on whether the Borough Council owned sites, detailed in Annex A, were available or unavailable for development.

Members had regard to housing targets for the Borough, the Management Development and Environmental Development Plan Document, Biodiversity Net Gain, the Interim Sustainability Appraisal and the Local Lettings Policy detailed in the report. It was also noted that housing targets remained subject to change pending the outcomes of the NPPF consultation. Particular reference was made to the Angel Centre site and although it was not identified in the UCS there was scope for this to be included as a potentially available site for development if the Borough Council, as landowner chose to do so.

The Committee recognised the value of open green spaces, especially on residents living in urban areas and this formed part of Members deliberations.

**RECOMMENDED\*:** That

(1) the following 10 TMBC owned sites identified in the urban capacity study be considered **available** for development when formally responding to the letter from the LPA:

- 59559, 59560, 59661, 59562, 59563, 59581 (Cage Green and Angel);
- 59469 (Aylesford South and Ditton);
- 59554 59555 (Vauxhall); and
- 59572 (Judd)

- (2) the Angel Centre, Tonbridge site be considered **available** for development when formally responding to the letter from the LPA; and
- (3) the following 11 TMBC owned sites identified in the urban capacity study be considered **unavailable** for development when formally responding to the letter from the LPA:
  - 59437 (Larkfield);
  - 59449 (East Malling, West Malling and Offham);
  - 59456 (Birling, Leybourne and Ryarsh);
  - 59502 (Snodland East and Ham Hill);
  - 59515; 59516 (Cage Green and Angel);
  - 59521; 59522 (Trench);
  - 59524 (Higham); and
  - 59550; 59552 (Judd)

**\*Referred to Cabinet**

#### **MATTERS SUBMITTED FOR INFORMATION**

##### **FRP 23/14 HOUSEHOLD SUPPORT FUND 2023/24**

The report of the Director of Finance and Transformation provided an update on past, present and future administration of the Household Support Fund.

A fourth round of Government funding had been announced in early 2023. Allocations were made in a similar way to previous awards although there was now a commitment for 12 rather than 6 months. In addition, rules restricting the use of funding to finance debt advice services had been removed. However, there was a requirement for 40% of the fund to be spent by the end of September 2023 and options would be presented to a future meeting of Cabinet for consideration.

Members recorded appreciation for the timely manner in which the Borough Council had allocated and distributed previous grant funding and welcomed the support offered to vulnerable households in respect of energy bills. Clarity was sought on whether alternative fuel payments would be included in the new scheme. In response, it was indicated that these payments were dependent on applications and unfortunately the scheme had closed in May.

##### **FRP 23/15 KEY PERFORMANCE INDICATORS**

Members received a list of Key Performance Indicators (KPIs) that were relevant to the committee. A baseline covering April to June 2022 had been used, with the data for January to March 2023 representing the

most up-to-date available statistics. The KPIs would be monitored quarterly and would be made available on an ongoing basis. However, it was noted that KPIs would not be reported to the next meeting due to its timing.

#### **FRP 23/16 WORK PROGRAMME 2023/24**

The Work Programme setting out matters to be scrutinised during 2023/24 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

#### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **FRP 23/17 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.45 pm  
having commenced at 7.35 pm

**TONBRIDGE AND MALLING BOROUGH COUNCIL**  
**COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT**  
**COMMITTEE**

**MINUTES**

**Wednesday, 14th June, 2023**

**Present:** Cllr S A Hudson (Chair), Cllr A G Bennison, Cllr S Crisp, Cllr G B Hines, Cllr F A Hoskins, Cllr J R S Lark, Cllr A McDermott, Cllr Mrs A S Oakley, Cllr M R Rhodes, Cllr Mrs M Tatton, Cllr K S Tunstall and Cllr D W King (substitute)

**In attendance:** Councillors R P Betts, G C Bridge, M A Coffin, P M Hickmott, M A J Hood and D Keers were also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Councillors M D Boughton and K B Tanner participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell (Vice-Chair) and W E Palmer.

**CE 23/12 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute Members were recorded as set out below:

- Councillor D W King substituted for Councillor Mrs S Bell

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.

**CE 23/13 DECLARATIONS OF INTEREST**

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

**CE 23/14 MINUTES**

**RESOLVED:** That the notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 8 February 2023 be approved as a correct record and signed by the Chair.

## **MATTERS FOR RECOMMENDATION TO THE CABINET**

### **CE 23/15 CLIMATE CHANGE MONITORING AND REPORTING**

(Decision Notice D230053MEM)

Member approval was sought for publication of the Climate Change Action Plan Year 3 Progress Report (2022/23) and Carbon Audits for years 1 and 2, set out in Annexes 1 to 3 respectively.

Good progress had been made on the 50 climate change actions for 2022/23 with around half rated as 'ongoing' due to either continuing collaborations or multi-year projects. Where actions had changed or were not fully completed an explanation had been provided and these were summarised in 1.2 of the report.

Carbon Audits provided quality assured data for the Borough Council owned estate and operations, including the most significant contributors to emissions.

**RECOMMENDED\*:** That

- (1) the Climate Change Action Plan Year 3 Progress Report, as set out in Annex 1 of the report, be endorsed; and
- (2) the Carbon Audits for Year 1 and 2, as set out in Annexes 2 and 3 of the report, be endorsed.

**\* Decision Taken by Cabinet Member**

### **CE 23/16 TREE SAFETY POLICY**

Members were advised of the Borough Council's current policy in regard to the health and safety management of its own tree stock (attached at Annex 1).

Following a review by Officers and Insurers it was concluded that the current policy demonstrated well-documented evidence of a risk based approach adopted by the Borough Council in relation to the management of tree liability risks. Whilst there were no major faults identified a number of recommendations to improve how the document could be relied upon from a claim's defensibility perspective were presented for consideration as detailed in Annex 3 and Annex 3a.

Clarification was sought on the definition of an "adequate" length of time for any records of tree inspections to be kept as highlighted in the Insurers' report and further information was to be sought from the Insurers.



**RECOMMENDED\*:** That

- (1) the proposed amendments to the Tree Safety Policy, as set out in Annex 3 and Annex 3a, be approved, subject to clarification with the Insurers with regard to the recommended length of time for any tree inspection records to be kept by the Borough Council.

**\* Referred to Cabinet**

**CE 23/17 EVENTS ON PUBLIC OPEN SPACES**

Consideration was given to a number of amendments in respect of the Borough Council's Events on Open Spaces Policy and application form. A copy of the current Policy and application form were attached at Annexes 1 and 2.

The proposed amendments related to increased financial checks of the organiser for larger scale commercial events over £2,500.00 in value; deposits to be taken from all events to repair damage and cover repair works to grassed areas and inclusion of Prevent guidance.

In addition, an introduction of a Byelaw was recommended to protect the Borough Council against event organisers using public open space without approval being granted.

The proposed introduction of additional financial checks on Events on Open Spaces for larger events, together with additional details to recharge for costs incurred offered greater financial control over the use of the Borough Council's land.

Members felt that it would be beneficial for a timeframe for payment of deposits and hire fees and the terms and conditions for cancellation and refund to be set out in the Charging section of the Policy.

**RECOMMENDED\*:** That

- (1) the proposed amendments to the Events on Open Spaces Policy and application form, as detailed in Annexes 1 and 2, be approved, subject to a sliding scale schedule for payment of deposits, lawn hire fees and administration fees and the terms and conditions for cancellation and refund being investigated, agreed, and added to section 6 (Charging) of the Policy; and
- (2) a byelaw to address unauthorised use of the Borough Council's public open space be progressed.

**\* Referred to Cabinet**

## **CE 23/18 LITTER AND FLY TIPPING ENFORCEMENT PILOT - 6 MONTH REVIEW**

Following a review of the Litter and Fly Tipping Enforcement pilot with the National Enforcement Solutions (NES) which started on 17 October 2022, Members were updated on its performance for the first six months and were requested to consider the future option for the litter and fly tipping enforcement approaches.

In general, it was considered that the pilot had gone well so far, in terms of both the expectations of the Borough Council and those of the NES, and the pilot had been proved financially viable for the NES' business model, although significant officer resource had been required to support the pilot. It had also been proved effective in terms of the results experienced through the use of a third-party resource to deal with many more litter and fly tipping offences than could have been tackled within the existing resources of the Borough Council.

During discussion, clarification was sought on the possibility to extend the working hours of the Enforcement Officers to carry out evening 'hot spot' checks under the pilot. Furthermore, concerns were expressed by Members over litter and fly tipping at certain areas over particular times. It was explained that changes to the inspection hours were not possible within the scope of the current arrangement, however, there would be flexibility for the inspection schedule to be considered as part of the specifications if Members were minded to support investigating the option to procure a contract for the provision of litter and fly tipping enforcement through a third party.

**RECOMMENDED\*:** That

- (1) a contract for the third-party provision of litter and fly tipping enforcement be procured through a formal tender procedure (option 3 as set out in 1.4.1 of the report).

**\* Referred to Cabinet**

## **MATTERS SUBMITTED FOR INFORMATION**

### **CE 23/19 KEY PERFORMANCE INDICATORS**

Members received a list of Key Performance Indicators (KPIs) that were relevant to the committee. A baseline covering April to June 2022 had been used, with the data for January to March 2023 representing the most up-to-date available statistics. The KPIs would be monitored on a quarterly-annual basis and would be made available on an ongoing basis.

Members were requested to submit any questions regarding the KPIs to the relevant Director/Chief Executive at least two days in advance of the meeting in order to ensure that a suitable response could be provided at the meeting.

#### **CE 23/20 WASTE CONTRACT - KEY PERFORMANCE INDICATORS**

Members reviewed the performance of the Waste Contract against a suite of Key Performance Indicators (KPIs) for the period April 2022 to March 2023, with comparative data for April 2021 to March 2022, together with percentage variance when compared with the 2021/22 performance.

Particular reference was made to the increase in completion rate of scheduled collections, reduction in missed collections, reduction in formal complaints about refuse and recycling and increase in the percentage of waste collected for recycling or composting, and the improvements in these areas were welcomed by Members.

During discussion, Members raised a number of concerns in respect of the scope of KPI data reported, including street cleaning and fly tipping, and it was explained that works were being undertaken in order for the data on emptying litter bins and verge maintenance to be included in future KPI reporting, which was anticipated to start from September next. In addressing the issue with regard to missed unemptied litter and dog waste bins, it was noted that 'What 3 Words' app was now used to help identify location of overfull or damaged bins, and further consideration was being given to numbering the bins for ease of reporting by members of the public.

#### **CE 23/21 WORK PROGRAMME 2023/24**

The Work Programme setting out matters to be scrutinised during 2023/24 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

#### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **CE 23/22 EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 8.49 pm



# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **AREA 1 PLANNING COMMITTEE**

### **MINUTES**

**Thursday, 22nd June, 2023**

**Present:** Cllr M A J Hood (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr K Barton, Cllr G C Bridge, Cllr J Clokey, Cllr A Cope, Cllr G B Hines, Cllr A Mehmet, Cllr R W G Oliver, Cllr B A Parry, Cllr M R Rhodes and Cllr K S Tunstall

**Virtual:** Councillors S Crisp and D Harman participated via MS Teams in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor F A Hoskins.

### **PART 1 - PUBLIC**

#### **AP1 23/11 DECLARATIONS OF INTEREST**

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

#### **AP1 23/12 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 30 March 2023 be approved as a correct record and signed by the Chairman.

#### **AP1 23/13 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 23/14 TM/23/00615/FL - 37 AVEBURY AVENUE, TONBRIDGE**

Two storey extension on existing building to create 2 x 2 bedroom duplex flats with roof terrace and external alterations.

**RESOLVED:** That the application be REFUSED for the following reasons:

1. The proposed development by reason of its siting, design, bulk and height would result in an unacceptable overbearing impact on the residents of 39 and 41 Avebury Avenue. The proposal therefore fails to preserve residential amenity and does not constitute high quality design contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ8 of the Managing Development and Environment Development Plan Document 2010 and paragraphs 125, 130 and 185 of the National Planning Policy Framework 2021.
2. By virtue of the additional height and mass including the incongruous glass privacy balconies and contrived massing and minimal setback at top floor, the proposed development would represent poor design visually intrusive and harmful to the character and the appearance of the area in direct conflict with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and SQ1 of the Managing Development and Environment Development Plan Document.

[Speaker: Ms E Spain (member of the public) addressed the Committee in person]

**AP1 23/15 TM/23/00364/FL - 1A CROFT CLOSE, TONBRIDGE**

New bungalow to the rear of 15 Estridge Way (Revision to TM/20/00862/FL).

After careful consideration of the points raised by members of the public and the applicant and the submitted details and conditions set out in the report of the Director of Planning, Housing and Environmental Health, Members expressed concern in respect of the materials used for the exterior and the roof of the building and the distinctiveness of the roof was considered a harmful feature to the character of the local area and the street scene, contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), SQ1 of the Managing Development and the Environment Development Plan Document and paragraph 130 of the National Planning Policy Framework.

**RESOLVED:** That planning application be DEFERRED for a report from Legal Services on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health (as set out in CPR 15.25, Part 4 (Rules) of the Constitution).

[Speakers: Mrs L Hamilton (member of the public) made a verbal statement; due to technical difficulties a written statement was read out on behalf of Mr N Coomber (member of the public); Mr S King (applicant) addressed the Committee via MS Teams]

### **MATTERS FOR INFORMATION**

#### **AP1 23/16 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS**

The report setting out updates in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee was received and noted.

#### **AP1 23/17 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.37 pm





**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b>  <b>Cabinet Member for Strategic Planning and Infrastructure</b>	<b>Decision Number:</b>  <b>D230027MEM</b>
--	--

**Date: 27 March 2023**

<b>Decision(s) and Reason(s)</b>
<b>SELF BUILD AND CUSTOM HOUSING REGISTER</b>
Following consideration of the options, the Cabinet Member for Strategic Planning and Infrastructure resolved that:  (1) the eligibility criteria, including local connections test and financial solvency test for Self-Build and Custom Housing register applicants, plus related administrative fees, be introduced.
<b>Reasons for decision:</b>  (1) To fulfil our duties under The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and subsequent Self-Build and Custom Housebuilding Regulations 2016 (updated February 2021).  (2) To implement measures previously approved at the Planning and Transport Advisory Board (PTAB) held on 13 November 2019.

Signed Cabinet Member for Strategic Planning and Infrastructure:	D Davis
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	27 March 2023

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



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b>  <b>Cabinet Member for Finance, Innovation and Property</b>	<b>Decision Number:</b>  <b>D230028MEM</b>
---	--

**Date: 28 March 2023**

<b>Decision(s) and Reason(s)</b>
<b>COUNCIL TAX WRITE OFF</b>
(Reason: LGA 1972 Sch 12A Paragraph 2 Information which is likely to reveal the identity of an individual)  Following a request to write off a council tax debt of £1,789.06, the Cabinet Member for Finance, Innovation and Property resolved that:  (1) the debt be written off using the Council's discretionary powers under Section 13A(1C) Local Government Finance Act 1992.
<b>Reasons for decision:</b>  The tax payer is a victim of domestic abuse and is currently in temporary accommodation.  The tax payer has both mental and physical disabilities and is considered to be vulnerable

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	29 March 2023

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



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> <b>Cabinet Member for Technical and Waste Services</b>	<b>Decision Number:</b> <b>D230029MEM</b>
---	--

**Date: 3 April 2023**

<b>Decision(s) and Reason(s)</b>
<b>KINGS CORONATION BANK HOLIDAY – WASTE COLLECTIONS AND STREET CLEANSING</b>
To maintain all scheduled waste collections & street cleaning services on Monday 8 May 2023 and cover the associated additional cost of £30,762.41 from the budget stabilisation reserve.
<b>Reasons for decision:</b>  The decision complies with the conditions of the Waste Collection & Street Cleaning Contract in relation to “extra” Bank/Public Holidays, such as the additional one scheduled for Monday 8 May 2023 to celebrate the King’s Coronation.

Signed Cabinet Member for Technical & Waste Services:	P Montague
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	4 April 2023

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: D230030CAB**

**Decision Type: Key**

**Date: 04 April 2023**

**Decision(s) and Reason(s)**

**Implications of NPPF Consultation on Local Plan**

**Consideration was given to the recommendation of the Housing and Planning Scrutiny Select Committee (HP 23/4) of 21 March 2023.**

**RESOLVED:** That

- (1) the implications of the proposed 'Levelling-up and Regeneration Bill: Reforms to National Planning Policy', as set out in Annex 1, be noted;
- (2) the Borough Council progressed the Local Plan under the current arrangements, as outlined in Option 1 in the report, and;
- (3) a new Local Development Scheme with more detailed financial implications be brought to a future meeting of the Housing and Planning Scrutiny Select Committee in Summer 2023.

Reasons: As set out in the report submitted to Housing and Planning Scrutiny Select Committee of 21 March 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 6 April 2023

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: D230031CAB**  
**Decision Type: Non Key**  
**Date: 04 April 2023**

**Decision(s) and Reason(s)**

**Outcomes and Achievements of the IT strategy and Digital Strategy**

**(Report of Director of Finance and Transformation)**

The report highlighted the measurable outcomes against the overall vision set out in the IT and Digital Strategies and advised of the impact on the organisation during the recent 4 year period.

It was noted that these outcomes exemplified the pragmatism and foresight adopted by the Borough Council which had enabled ambitious and transformative strategies to be implemented in such a short timescale.

Work on developing new Strategies for a further period was underway and a draft would be brought to Members for consideration in due course.

**RESOLVED:** That

- (1) the outcomes and achievements of the IT Strategy 2018-2023 and the Digital Strategy 2019-2023 be noted; and
- (2) a new Corporate IT and Digital Strategy be developed and presented for consideration to a future meeting of the Cabinet during 2023.

Reasons: As set out in the report submitted to Cabinet of 4 April 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 6 April 2023

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: D23032CAB**  
**Decision Type: Non Key**  
**Date: 04 April 2023**

**Decision(s) and Reason(s)**

**Community Development Grant Scheme**

**(Report of Chief Executive)**

The report set out details of the Community Development Grant Scheme and sought approval to launch in April 2023. An allocation of £165,269 from the UK Shared Prosperity Fund would be used to fund this community grant scheme over a two year period.

Careful consideration was given to the funding priorities for 2023/24, the grant application process and the legal, financial and value for money implications. It was also recognised that the application process had been designed to minimise risk, with assessments based on set criteria.

**RESOLVED:** That

- (1) the Community Development Grant Scheme, as detailed in the report, be endorsed.

Reasons: As set out in the report submitted to Cabinet of 4 April 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 6 April 2023

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: D230033CAB**  
**Decision Type: Non Key**  
**Date: 04 April 2023**

**Decision(s) and Reason(s)**

**Blue Bell Hill Commuter Car Park**

**(Joint report of Director of Street Scene, Leisure and Technical Services, Cabinet Member for Technical and Waste Services and Cabinet Member for Community Services)**

**The report provided details of the current issues at Blue Bell Hill commuter car park including significant concerns in respect of continuing anti-social behaviour on the site. The noise and general nuisance related to vehicles was a major concern to local residents who continued to report issues.**

**Careful consideration was given to the financial and value for money implications and the ongoing anti-social behaviour. On the grounds that the current operating model for the car park was not an efficient use of resources and was considered to be unsustainable, that there was no indication that commuter bus services would return to pre-pandemic levels and that the sites location between the M2 and M20 corridor had potential for other uses Councillor # proposed that the car park should be closed and future opportunities for the site be explored. This was seconded by Councillor #**

**RESOLVED:** That

- (1) the Blue Bell Hill commuter car park be closed and the site secured to prevent any pedestrian and vehicular access; and**
- (2) future opportunities for alternative use of the site be explored with Kent County Council**

**Reasons: As set out in the report submitted to Cabinet of 4 April 2023**

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 6 April 2023

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: D230034CAB**  
**Decision Type: Non Key**  
**Date: 04 April 2023**

**Decision(s) and Reason(s)**

**Voluntary and Community Sector Grants**

**(Report of Chief Executive)**

The report reviewed and noted progress against Service Level Agreements for ongoing grants and considered future funding in respect of Citizens Advice North and West Kent.

A summary of each organisations progress achieved against the objectives set out in their Service Level Agreements were attached at Annexes 1, 2, 3 and 4 for information.

Careful consideration was given to the legal, financial and value for money implications and the importance of supporting a reasonable level of provision for residents.

**RESOLVED:** That

- (1) the good progress and support provided to residents from Involve, Imago, the Mediation Schemes and Age UK Sevenoaks and Tonbridge be noted; and
- (2) based on the good progress and the support provided to residents from CANWK grant funding of £95,000, as set out in the report, be agreed for the financial year 2023/24.

Reasons: As set out in the report submitted Cabinet of 4 April 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 6 April 2023

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: D230035CAB**  
**Decision Type: Non Key**  
**Date: 04 April 2023**

**Decision(s) and Reason(s)**

**TMBC Owned Sites - Local Plan**

**Consideration was given to the recommendation of the Finance, Regeneration and Property Scrutiny Select Committee (FRP 23/4) of 14 March 2023.**

**RESOLVED:** That

- (1) All sites set out at Annex 1 to the report, be considered as unavailable for development when formally responding to the letter from the Local Planning Authority, once received, regarding TMBC owned sites identified in the Urban Capacity Study.

**Reasons:** As set out in the report submitted to Finance, Regeneration and Environment Scrutiny Select Committee of 14 March 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 6 April 2023

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: D230036CAB**  
**Decision Type: Non Key**  
**Date: 04 April 2023**

**Decision(s) and Reason(s)**

**S106 Matters**

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

**An updated S106 Protocol and new monitoring structure for S106 monies was presented for consideration. In addition, an update on the recently published Infrastructure Delivery Statement was provided.**

**Careful consideration was given to the recommendation of the Overview and Scrutiny Committee (OS 23/6) of 26 January 2023, the legal, financial and value for money implications and the risk assessment. Consideration was also given to the representations submitted by Kent County Council following further discussion. However, it was noted that this level of detail was not required in the amended Protocol and there were no changes recommended to the Protocol that was agreed in principle by the Overview and Scrutiny Committee.**

**RESOLVED:** That

- (1) the revised S106 Protocol and process, including the new monitoring structure be approved; and**
- (2) the recently approved and published Infrastructure Funding Statement 21/22 be noted.**

**Reasons: As set out in the report submitted to Cabinet of 4 April 2023 and Overview and Scrutiny Committee of 26 January 2023**

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 6 April 2023

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: D230037CAB**  
**Decision Type: Key**  
**Date: 04 April 2023**

**Decision(s) and Reason(s)**

**New Lease 20-28 Martin Square, Larkfield**

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

**(Report of Director of Central Services and Deputy Chief Executive)**

**Consideration was given to proposals for a new lease at 20-28 Martin Square, Larkfield. The proposed terms of the lease were detailed in the report and five options in respect of the maisonettes were presented for consideration.**

**RESOLVED:** That

- (1) Officers be instructed to investigate options 4 and 5, set out in 1.4.4 of the report, in relation to two maisonettes currently included within the lease and the findings reported to the Cabinet Member for Finance, Innovation and Property; and
- (2) authority be delegated to the Cabinet Member for Finance, Innovation and Property to approve the final terms of the lease to Alliance Property Holdings, specifically in relation to the inclusion or exclusion of the maisonettes and the level of rent, once the maisonettes appraisal has been completed.

**Reasons:** As set out in the report submitted to Cabinet of 4 April 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 6 April 2023

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

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> <b>Cabinet Member for Finance, Innovation and Property</b>	<b>Decision Number:</b> <b>D230038MEM</b>
---	--

**Date: 5 April 2023**

<b>Decision(s) and Reason(s)</b>
<b>DEBTS FOR WRITE OFF</b>
(Reason: LGA 1972 Sch 12A Paragraph 2 Information which is likely to reveal the identity of an individual)  Following a review of irrecoverable debts over £5,000, the Cabinet Member for Finance, Innovation and Property resolved that the items shown below be written off:  (1) 1 council tax debt to the value of £5,136.71 (2) 1 business rate debt to the value of £7,175.86 (3) 1 housing benefit overpayment debt to the value of £38,606.38 (4) 1 general sales ledger debt to the value of £10,000.00
<b>Reasons for decision:</b>  All options to recover the debts have been exhausted

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	6 April 2023

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





**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> <b>Cabinet Member for Finance, Innovation and Property</b>	<b>Decision Number:</b> <b>D230039MEM</b>
---	--

**Date: 5 April 2023**

<b>Decision(s) and Reason(s)</b>
<b>APPLICATION FOR DISCRETIONARY RATE RELIEF</b>
Following consideration of 1 new application for discretionary rate relief, the Cabinet Member for Finance, Innovation and Property resolved that:  (1) in respect of the new application for relief for Stocks Green Pre-school, Leigh Road, Hildenborough, Tonbridge, Kent, TN11 9AE, 20% discretionary rate relief be awarded from 1 April 2022 and time limited to 31 March 2025
<b>Reasons for decision:</b>  (1) an award of 20% discretionary rate relief seems appropriate as four other pre-schools in the borough receive the same level of relief. Relief to be backdated to 1 April 2022 and time limited to 31 March 2025 which is consistent with previous awards of relief.

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	6 April 2023

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



**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION**

**Decision Taken By: Cabinet Member for Strategic Planning and Infrastructure**

**Decision No:  
D230040MEM**

**Date: 06 April 2023**

**Decision(s) and Reason(s)**

**Response to the DLUHC Technical Consultation: Stronger Performance of Local Planning Authorities Supported through an Increase in Planning Fees**

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

**Careful consideration was given to the Borough Council's proposed response (attached at Annex 1) to the DLUHC technical consultation which sought views on improving performance of local planning authorities by increasing planning fees, building capacity and capability and introducing a more robust performance regime.**

**The consultation period ended on 25 April 2023 and the Borough Council had until this date to submit its response which, once approved, would be actioned through an online survey.**

Following consideration by the Overview and Scrutiny Committee, the Cabinet Member for Strategic Planning and Infrastructure resolved that:

- (1) the proposed response to the consultation, set out at Annex 1, be endorsed and submitted on behalf of the Borough Council by the Director of Planning, Housing and Environmental Health

**Reasons: As set out in the report submitted to Overview and Scrutiny Committee of 6 April 2023**

Signed Cabinet Member for Strategic Planning and Infrastructure

D Davis

Signed Leader:

M Boughton

Signed Chief Executive:

J Beilby

Date of publication:

12 April 2023

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

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> <b>Cabinet Member for Housing</b>	<b>Decision Number:</b> <b>D230041MEM</b>
--	--

**Date: 18 April 2023**

<b>Decision(s) and Reason(s)</b>
<b>HOMELESSNESS PREVENTION GRANT – ADDITIONAL FUNDING</b>
Following consideration of the options, detailed in the Cabinet Member Reasons Report (attached at Annex 1), the Cabinet Member for Housing, RESOLVED that:  (1) the acceptance of the additional Homelessness Prevention Grant funding of £61,728 be approved;  (2) the extension to the existing fixed term posts of Temporary Accommodation Welfare Officer and Housing Allocations Assistant to 31 March 2024 be agreed; and  (3) the establishment of a new six-month fixed term post of Housing Allocations Assistant be agreed.
<b>Reasons for decision:</b>  As detailed in the Cabinet Member Reasons Report (attached at Annex 1).

Signed Cabinet Member for Housing:	K Tanner
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	19 April 2023

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



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> <b>Cabinet Member for Finance, Innovation and Property</b>	<b>Decision Number:</b> <b>D230042MEM</b>
---	--

**Date: 19 April 2023**

<b>Decision(s) and Reason(s)</b>
<b>AGILE – PROJECT MANAGEMENT FUNDING</b>
<p>Following consideration of the current project position, the Cabinet Member for Finance, Innovation &amp; Property RESOLVED that:</p> <p>(1) The sum of £58,500 from the Budget Stabilisation Reserve be allocated to the Agile project to provide dedicated Business Change Project Management resource for a period of 6 months.</p>
<p><b>Reasons for decision:</b></p> <p>Agile has been procured to become the software operating system for a wide range of Council Services including Planning, Building Control, Housing Improvement, Environmental Health, Licensing, Community Safety and Land Charges.</p> <p>In order to configure and prepare Agile for live use, there is a significant capacity requirement from a wide range of officers across the teams mentioned above, as well as IT Services. At present, there is a gap in business project management capacity and this is resulting in a number of senior officers collaborating to fill this requirement. In addition, IT resources in coordinating liaison with Agile staff have needed to be allocated to this project for a prolonged period. In order to deliver this project in a timely and efficient manner and to simultaneously mitigate wherever possible impacts on business-as-usual service operation as well as in-house IT resources, dedicated internal project management capacity is required. The proposal will provide a full-time dedicated Business Change Project Manager on an agency basis for a period of 6 months.</p>

Signed Cabinet Member for Finance, Innovation and Property:	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby

Date of publication:	19 April 2023
----------------------	---------------

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



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> <b>Cabinet Member for Finance, Innovation and Property</b>	<b>Decision Number:</b> <b>D230043MEM</b>
---	--

**Date: 20 April 2023**

<b>Decision(s) and Reason(s)</b>
<b>APPLICATION FOR DISCRETIONARY RATE RELIEF</b>
Following consideration of 1 new application for discretionary rate relief, the Cabinet Member for Finance, Innovation and Property resolved that:  (1) in respect of the new application for relief for Weald Gymnastics Centre, 6a Sovereign Way, Tonbridge, Kent, TN9 1RS, 20% discretionary rate relief be awarded from 3 January 2022 and time limited to 31 March 2025
<b>Reasons for decision:</b>  (1) an award of 20% discretionary rate relief seems appropriate for the services they provide, namely providing gym sessions for all ages from toddlers to adults, and for those who are disabled and underprivileged and offering volunteering opportunities for young people wishing to volunteer as part of their Duke of Edinburgh Award Scheme. (2) Relief to be backdated to 3 January 2022 and time limited to 31 March 2025 which is consistent with previous awards of relief.

Signed Cabinet Member for Finance, Innovation and Property:	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	21 April 2023

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



## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> <b>Cabinet Member for Finance, Innovation and Property</b>	<b>Decision Number:</b> <b>D230044MEM</b>
---	--

**Date: 21 April 2023**

<b>Decision(s) and Reason(s)</b>
<b>APPLICATION FOR DISCRETIONARY RATE RELIEF</b>
Following consideration of 1 new application for discretionary rate relief, the Cabinet Member for Finance, Innovation and Property resolved that:  (1) in respect of the new application for relief for Tonbridge & Malling Muslim Community Trust, Gnd Flr & Bst Kent House, 60B Priory Street, Tonbridge, Kent, TN9 2AH, 20% discretionary rate relief be awarded from 3 March 2023 and time limited to 31 March 2024
<b>Reasons for decision:</b>  (1) an award of 20% discretionary rate relief seems appropriate for the services they provide, and is consistent with previous awards of relief to a similar organisation in the borough. (2) Relief to be backdated to 3 March 2023 and time limited to 31 March 2024. The period of relief has been reduced as the organisation has only just acquired the property and a review of their finances in a year's time is required to look at the level of charitable activity.

Signed Cabinet Member for Finance, Innovation and Property:	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	24 April 2023

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



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> <b>Cabinet Member for Finance and Housing</b>	<b>Decision Number:</b> <b>D230045MEM</b>
--	--

**Date: 31 May 2023**

<b>Decision(s) and Reason(s)</b>
<b>APPLICATIONS FOR DISCRETIONARY RATE RELIEF</b>
<p>Following consideration of one renewal application and one new application for discretionary rate relief, the Cabinet Member for Finance and Housing resolved that:</p> <ol style="list-style-type: none"><li>(1) in respect of the re-application for Riverside (Tonbridge) Bowls Club, Avebury Avenue, Tonbridge, Kent, TN9 1TN, 20% discretionary rate relief be awarded with effect from 1 April 2023 and time-limited to 31 March 2025;</li><li>(2) in respect of the new application for The National Trust Kent And East Sussex Region, Camping &amp; Caravan Club Site, Styants, Seal, Sevenoaks, Kent, TN15 0ET, discretionary rate relief be refused</li></ol>
<p><b>Reasons for decision:</b></p> <ol style="list-style-type: none"><li>(1) The decision is consistent with other reapplications for relief that were considered in February 2023 with all Community Amateur Sports Clubs having relief approved up to 31 March 2025;</li><li>(2) The application does not fulfil the key elements of the policy:<ul style="list-style-type: none"><li>• The organisation must be a local organisation;</li><li>• The organisation must directly benefit Tonbridge &amp; Malling residents and must relieve the Council of providing similar facilities;</li><li>• As a general rule, the Council is unlikely to grant relief to national charities located within the Council's area unless there is some specific benefit to the residents of Tonbridge &amp; Malling Borough Council over and above the benefit to the residents of other areas in which the charity operates</li></ul></li></ol> <p>The applicant is a national charity and use of the site does not directly benefit T&amp;M residents</p>

<b>Signed Cabinet Member for Finance and Housing:</b>	<b>K Tanner</b>
---	-----------------

Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	31 May 2023

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**

<b>Decision Taken By:</b> <b>Cabinet Member for Transformation and Infrastructure</b>	<b>Decision No:</b> <b>D230046MEM</b>
--	--

**Date: 05 June 2023**

**Decision(s) and Reason(s)**

**Parking Update**

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

**The report covered the progress of the current Phase (Phase 14), the content of the next Phase (Phase 15) of the Action Plan and an update on the Borough's parking reviews.**

**Those sites within Phase 14 which had already been assessed and progressed to an initial design were listed at Annex 1 to the report. A list of locations recommended for consideration in Phase 15 of the Parking Action Plan was attached at Annex 2 to the report. A further list was attached at Annex 3 and would be held on a 'holding list' for consideration in future phases of the Plan. It was recommended that the locations and proposals in Annex 2 be taken forward for investigation and then to informal consultation; and that the response to the informal consultation be reported to a future meeting of the Board.**

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

- (1) the proposals for each located listed in Phase 15 of the Parking Action Plan, as set out at Annex 2 to the report, be taken forward for investigation and informal consultation; and**
- (2) the list of requests, as set out at Annex 3 to the report, be held for future consideration in future phases of the Parking Action Plan.**

**Reasons: As set out in the report submitted to the Joint Transportation Board of 5 June 2023.**

<b>Signed Cabinet Member for Transformation and Infrastructure:</b>	<b>M Coffin</b>
---	-----------------

Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	7 June 2023

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.



<b>Decision Taken By:</b> <b>Cabinet Member for Transformation and Infrastructure</b>	<b>Decision No:</b> D230047MEM
--	-----------------------------------

**Date: 05 June 2023**

**Decision(s) and Reason(s)**

**Hadlow Parking Review - Outcomes of Informal Consultation**

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

**As part of the Borough's Parking Action Plan, a parking review of Hadlow was being undertaken. The proposals which were taken to informal consultation were set out at Annex 1 to the report. The informal consultation was carried out with the immediate frontagers to the proposals and details of the responses were set out at Annex 2 and a response from the Parish Council at Annex 3 to the report.**

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

- (1) the revisions discussed in Section 5 of the report be taken forward to formal consultation, and the results reported to a future meeting of the Joint Transportation Board for further consideration.

Reasons: As set out in the report submitted to the Joint Transportation Board on 5 June 2023.

Signed Cabinet Member for Transformation and Infrastructure	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	7 June 2023

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 Transformation and Infrastructure**

**Decision No:**  
**D230048MEM**

**Date: 05 June 2023**

**Decision(s) and Reason(s)**

**Hildenborough Parking Review - Outcome of Informal Consultation**

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

**As part of the Borough's Parking Action Plan, a parking review of Hildenborough was being undertaken. The proposals which were taken to informal consultation were set out at Annex 1 to the report. The informal consultation was carried out with the immediate frontagers to the proposals and details of the responses were set out at Annex 2 and a response from the Parish Council at Annex 3 to the report.**

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

- (1) the revisions discussed in Section 4 of the report be taken forward to formal consultation, and the results reported to a future meeting of the Joint Transportation Board for further consideration.

Reasons: As set out in the report submitted to the Joint Transportation Board on 5 June 2023.

Signed Cabinet Member for Transformation and Infrastructure	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	7 June 203

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: D230049CAB**

**Decision Type: Key**

**Date: 06 June 2023**

**Decision(s) and Reason(s)**

**Car Parking Fees and Charges - Haysden Country Park - Outcome of Public Consultation**

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

**The report set out proposals for changes to car parking tariffs in the Borough Council's Haysden Country Park in Tonbridge. The proposed changes were outlined in the Formal Consultation Notice attached at Annex 1.**

A number of objections and comments had been received during the statutory consultation period and these responses were set out in Annex 2.

Cabinet noted that the proposed changes were reviewed within the context of a set of guiding principles, the cost of the parking service to the Borough Council and ongoing investment in the parking management service. It was anticipated that the new charges would be introduced in late July 2023.

Careful consideration was given to the legal, financial and value for money implications and the responses to the public consultation were taken into account.

**RESOLVED:** That

- (1) the objections to the proposed changes to the off-street parking charges (as detailed in Annex 2) be set aside; and
- (2) the appropriate Traffic Regulation Order be approved to facilitate the variation of the off-street parking charges (as detailed in Annex 1 and summarised below) to come into effect as soon as possible:
  - an increase of 20p (to £2.00) to the 'up to 4 hour' tariff
  - an increase of 50p (to £4.50) for the 'over 4 hour' tariff
  - an increase of £5 (up to £65) for 12 month car park season tickets

**Reasons:** As set out in the report submitted to Cabinet of 6 June 2023

Signed Leader:

M Boughton

Signed Chief Executive: J Beilby

Date of publication: 8 June 2023

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: D230050CAB**  
**Decision Type: Non Key**  
**Date: 06 June 2023**

**Decision(s) and Reason(s)**

**Revenue and Capital Outturn 2022/23**

**(Joint report of Chief Executive and Director of Finance and Transformation)**

**In accordance with the Borough Council's Financial Procedure Rules, the report detailed actual Revenue and Capital Outturn for the year ended 31 March 2023 and subsequent adjustments made in light of the Outturn position.**

As part of the closedown of accounts, a review of specific earmarked reserves held by the Borough Council had been undertaken and these were detailed in 1.2.3 of the report.

Cabinet welcomed the positive outturn position, which could be attributed to above profile performance on investment returns and major operational income streams, recognised that the financial outlook remained challenging and that the focus in 2023/24 would be to identify and deliver the savings target of £500,000 before 2024/25. To ensure that this target was achieved, proposals in respect of potential savings would be formulated in consultation with Officers at an earlier stage, in advance of the budget setting process for 2024/25.

**RESOLVED:** That

- (1) the Revenue and Capital Outturn for year 2022/23 be endorsed and noted;
- (2) the action taken following a review of specific earmarked reserves, set out at paragraph 1.2.3, be endorsed and noted;
- (3) the Treasury Management and Investment Strategy Review 2022/23, set out at Annex 2) be endorsed and noted; and
- (4) a timetable for the programme of savings and transformation contributions be progressed, in consultation with Officers, as soon as possible to meet the demands of the budget setting process to ensure the target of £500,000 was achieved by the start of the financial year 2024/25

**Reasons:** As set out in the report submitted to Cabinet of 6 June 2023

Signed Leader:

M Boughton

Signed Chief Executive: J Beilby

Date of publication: 8 June 2023

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: D230051CAB**  
**Decision Type: Non Key**  
**Date: 06 June 2023**

**Decision(s) and Reason(s)**

**Risk Management**

**Consideration was given to recommendation AU 23/15 of the Audit Committee of 17 April 2023.**

Cabinet noted that the risks categorised as 'RED' were:

- Financial position/budget deficit;
- Economic stability;
- Corporate strategy and Savings and Transformation Strategy;
- Local Plan;
- Organisational development including recruitment and retention/skills mix;
- Homes for Ukraine Scheme; and
- Implementation of the Agile software system

**RESOLVED:** That

- (1) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as 'RED' (summarised above) be noted.

Reasons: As set out in the report submitted to Audit Committee of 17 April 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 8 June 2023

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**

<b>Decision Taken By: Cabinet Member for Finance and Housing</b>	<b>Decision No: D230052MEM</b>
--	------------------------------------

**Date: 07 June 2023**

**Decision(s) and Reason(s)**

**Housing Standards in Rented Properties in England**

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

**Members were updated on the Government focus on improving housing standards in rented properties and how the Borough Council had responded to the requests of the Secretary of State for Levelling Up, Housing and Communities in respect of damp and mould issues affecting privately rented properties in the borough and enforcement of housing standards.**

**A copy of the Borough Council's initial response was attached at Annex 1 and a full response was subsequently submitted via online survey with a focus on Housing Health and Safety Rating Scheme. It was highlighted from both responses that the Borough Council already had a robust approach to dealing with damp and mould complaints/issues within the borough, however it was recognised that a jointly agreed formal approach to damp and mould complaints needed to be developed with Clarion Housing Group, being the main housing provider in the borough.**

**In addition, Members were updated on how Clarion Housing Group were responding on this important issue and noted the Borough Council's intention to work with them in a more formal manner to ensure social housing in the borough was of an acceptable standard and to develop a targeted repairs monitoring framework with them to ensure the Borough Council were regularly updated on the condition of their housing stock and could offer support when needed to.**

**Following consideration by the Housing and Planning Scrutiny Select Committee, the Cabinet Member for Finance and Housing resolved that:**

- (1) a written request be sent from the Cabinet Member for Finance and Housing to Clarion Housing Group to seek their cooperation in agreeing a Memorandum of Understanding on how property condition complaints would be dealt with by both parties; and**
- (2) a monitoring framework be adopted and reported on regularly, including to the Housing Association Liaison Panel.**

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 7 June 2023.

Signed Cabinet Member for Finance and Housing	K Tanner
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	9 June 2023

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**

<b>Decision Taken By: Cabinet Member for Climate Change, Regeneration and Property</b>	<b>Decision No: D230053MEM</b>
--	------------------------------------

**Date: 14 June 2023**

**Decision(s) and Reason(s)**

**Climate Change Monitoring and Reporting**

**(Report of Chief Executive)**

Member approval was sought for publication of the Climate Change Action Plan Year 3 Progress Report (2022/23) and Carbon Audits for years 1 and 2, set out in Annexes 1 to 3 respectively.

Good progress had been made on the 50 climate change actions for 2022/23 with around half rated as 'ongoing' due to either continuing collaborations or multi-year projects. Where actions had changed or were not fully completed an explanation had been provided and these were summarised in 1.2 of the report.

Carbon Audits provided quality assured data for the Borough Council owned estate and operations and both audits illustrated that these remained the most significant contributors to emissions.

Following consideration by the Communities and Environment Scrutiny Select Committee, the Cabinet Member for Climate Change, Regeneration and Property resolved that:

- (1) the Climate Change Action Plan Year 3 Progress Report, as set out in Annex 1 of the report, be endorsed; and
- (2) the Carbon Audits for Year 1 and 2, as set out in Annexes 2 and 3 of the report, be endorsed.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 14 June 2023

Signed Cabinet Member for Climate Change, Regeneration and Property	R Betts
Signed Leader:	M Boughton

Signed Chief Executive:	J Beilby
Date of publication:	

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

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> <b>Cabinet Member for Climate Change, Regeneration and Property</b>	<b>Decision Number:</b> <b>D230054MEM</b>
--	--

**Date: 14 June 2023**

<b>Decision(s) and Reason(s)</b>
<b>VARIATION OF CATERING LEASE ARRANGEMENTS AT HAYSDEN COUNTRY PARK, TONBRIDGE</b>
(Private: Reasons LGA 1972 Sch 12A Paragraph 3 - Financial or business affairs of any particular person)  Following consideration of the options the Cabinet Member for Climate Change, Regeneration and Property <b>RESOLVED</b> that:  (1) the catering lease arrangements at Haysden Country Park be varied.
<b>Reasons for decision:</b>  By varying the current lease arrangements it will allow the continuation of the popular catering provision at Haysden Country Park.  We are not aware of any details of any conflict of interest declared by any executive member consulted in relation to the decision.

Signed Cabinet Member for Climate Change, Regeneration and Property:	R Betts
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	15 June 2023

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.

