

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **OVERVIEW AND SCRUTINY COMMITTEE**

**Tuesday, 1st August, 2023**

**Present:** Cllr Mrs A S Oakley (Chair), Cllr M A J Hood (Vice-Chair), Cllr T Bishop, Cllr C Brown, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr S A Hudson, Cllr D W King, Cllr J R S Lark, Cllr W E Palmer, Cllr D Thornewell, Cllr L Athwal, Cllr G C Bridge, Cllr A Mehmet (substitute), Cllr L Athwal, (substitute) and F A Hoskins (substitute).

**In attendance:** Cllrs Bennison, R P Betts, M D Boughton, J Clokey and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Cllrs Mrs S Bell, M A Coffin, G B Hines, D Keers, M R Rhodes, K B Tanner and K S Tunstall

Apologies for absence were received from Cllrs R I B Cannon, G B Hines and FA Hoskins.

### **PART 1 - PUBLIC**

#### **OS 23/32 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

- Cllr Athwal substituted for Cllr Hines
- Cllr Bridge substituted for Cllr Hoskins
- Cllr Mehmet substituted for Cllr Cannon

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 23/33 DECLARATIONS OF INTEREST**

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

### **EXECUTIVE DECISIONS WHICH HAD BEEN 'CALLED IN'**

#### **OS 23/34 CALL IN OF DECISION NOTICE D230061CAB - TMBC OWNED SITES - LOCAL PLAN**

The report of the Scrutiny Officer advised that in accordance with the Overview and Scrutiny Procedure Rules set out in the Constitution, five members of the Committee had raised a valid 'call-in' request in relation

to the decision taken by the Cabinet in respect of three TMBC owned sites identified in the Urban Capacity Study.

Decision Notice D230061CAB (attached at Annex 1) had been published on 7 July 2023 and subsequently called-in by Councillors Cope, Hines, Hood, Hoskins and Thornewell.

The grounds for call-in were set out in the report, at paragraph 1.1.2, and the decision was 'deferred' pending consideration by the Overview and Scrutiny Committee.

Members of the Committee considered the grounds for the call-in and had regard to the responses provided by the Cabinet Member for Climate Change, Regeneration and Property and the Leader. There was detailed discussion on the general principle of development, the criteria for assessing potential sites for development, the Local Plan call for sites exercise and the potential loss of amenity space and mature trees.

It was proposed by Councillor Hood and seconded by Councillor Cope that the decision be referred back to Cabinet for reconsideration on the grounds of loss of amenity space, loss of mature trees and the lack of consistent criteria applied when considering all TMBC owned sites.

Following a formal vote this proposal was rejected with 9 Members voting against and 8 voting in favour.

It was the opinion of Members that it was not the role of the Overview and Scrutiny Committee to make assessments between various potential development sites and that Cabinet (having regard to the recommendation of the Finance, Regeneration and Property Scrutiny Select Committee) had given appropriate consideration to the property assets of the Borough Council as landowner.

The Overview and Scrutiny Committee felt that there should be no further recommendations made to the Cabinet and that the decision should be implemented as taken.

Following a formal vote this opinion was supported with 9 Members voting in favour and 8 voting against.

As the Overview and Scrutiny Committee had no further recommendations to make to the Cabinet the grounds for call-in were not supported.

**RESOLVED:** That, as there were no further recommendations to make to the Cabinet the decision would come into immediate effect. Therefore, the proposals in respect of the TMBC owned sites identified in the Urban Capacity Study could be implemented with immediate effect.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**OS 23/35 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.10 pm