

TONBRIDGE AND MALLING BOROUGH COUNCIL
MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS
VOLUME 2
FEBRUARY – MARCH 2024

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

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

MINUTES

Wednesday, 7th February, 2024

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 W E Palmer, Cllr M R Rhodes, Cllr Mrs M Tatton, Cllr K S Tunstall and Cllr C J Williams (substitute).

In attendance: Councillors R P Betts, M A Coffin and D Keers were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillor M D Boughton, R W Dalton and K B Tanner participated via MS Teams in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor S Bell (Vice-Chair).

PART 1 – PUBLIC

CE 24/1 NOTIFICATION OF SUBSTITUTE MEMBERS

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

- Cllr C Williams substituted for Cllr S Bell

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.

CE 24/2 DECLARATIONS OF INTEREST

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

CE 24/3 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 6 November 2023 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

CE 24/4 RECYCLING BRING SITES

The report of the Director of Street Scene, Leisure and Technical Services provided an update in respect of the current recycling bring sites. Since the introduction of the new recycling services in October 2019, use of all sites had reduced significantly as had been anticipated.

Members noted that the overall tonnage of most of the materials which were now collected from kerbside had reduced significantly and continued to reduce with the roll out of the communal recycling service. In 2022/23, bring site materials accounted for around 2% of all recycling collected, compared with 14% in 2018/19.

Consideration was given to a number of options detailed in the report and particular attention was given to whether the textile and/or charity banks should be retained. On balance, the Committee felt that there were sufficient alternative options for residents to recycle textiles, such as local charity shops. It was also felt that retaining these banks could encourage fly tipping when they were full.

RECOMMENDATION*: That all remaining sites be removed due to the reasons detailed at section 1.2 of the report.

***Recommended to Cabinet**

CE 24/5 FIXED PENALTY NOTICES - LITTERING & FLY TIPPING OFFENCES

(Decision Notice D240016MEM)

In July 2023, as part of its Anti-Social Behaviour Action Plan, the UK Government laid down a Statutory Instrument to increase the levels of Fixed Penalty Notices for littering and fly tipping and guidance confirmed that the fees should be set at an appropriate level to reflect local circumstances, including local ability to pay. The Council's current level of fees was set at the previous maximum amounts as set by Government.

Consideration was given to the options outlined in the report for Fixed Penalty Notice levels for littering and fly tipping. It was noted that if two levels of Fixed Penalty Notice charges for littering were created, this would ensure that the maximum deterrent was available to the Council whilst retaining the ability to take into account the severity of the offence, impact on the environment and the relative cost to the taxpayer of clearing up the litter/fly tip. Furthermore, two levels of Fixed Penalty Notices for littering offences would also ensure that the consequences

were proportionate to the offence, as per the Council's Corporate Enforcement Policy.

RECOMMENDED*: That two levels of Fixed Penalty Notice charges for littering be introduced and that the one level of charges for fly tipping be retained, with an increase in charges as set out in Option 4 at 1.4.4 of the report.

***Recommended to Cabinet**

CE 24/6 REVIEW OF PEST CONTROL SERVICE

The report of the Director of Planning, Housing and Environmental Health outlined the current provision in respect of pest control and set out a number of options from November 2024.

Details of the cost of providing the service for the last three full financial years and the estimated increased cost of the current one year contract extension was provided together with the position across Kent local authorities. Members were reminded that it was not a statutory requirement for the Borough Council to provide a pest control service.

Careful consideration was given to the 'pros and cons' of the three options detailed in the report, the financial and value for money considerations and whether subsidised treatments should be provided for those residents in receipt of Council Tax Reduction.

RECOMMENDED*: That a pest control service where residents could be referred to and agreed treatments subsidised for those in receipt of Council Tax Reduction within an agreed annual maximum cost to the Borough Council from November 2024 (Option 3) be tendered for.

***Recommended to Cabinet**

CE 24/7 CONSULTATION DRAFT - TONBRIDGE RACECOURSE SPORTSGROUND MANAGEMENT PLAN

(Decision Notice D240017MEM)

The Report of the Director of Street Scene, Leisure and Technical Services sought Member comment on the draft Management Plan for Tonbridge Racecourse Sportsground prior to formal public consultation.

Members noted that the existing five-year Management Plan expired in December 2023, and therefore needed to be reviewed and updated for the next five years. The draft Plan was intended to provide guidance and direction for the management of the Sportsground and be used to inform future maintenance and development of the site.

Particular reference was made to the Plan having been developed in line with the criteria of the Green Flag Award, a national standard for parks and open spaces, and Members noted that a section of the Plan dealt specifically with environmental management of the site which was a key criterion for the Award.

RECOMMENDED*: That the draft Tonbridge Racecourse Sportsground Management Plan, attached at Annex 1, be taken forward for public consultation.

***Recommended to Cabinet**

CE 24/8 TADDINGTON VALLEY - WOODLAND MANAGEMENT PLAN

(Decision Notice D240018MEM)

Consideration was given to the comments received as part of the public consultation exercise on the draft Taddington Valley Woodland Management Plan and proposed amendments to enable the Plan to be submitted to the Forestry Commission for approval. The draft Plan was intended to provide guidance and direction for all aspects of the management of the woodland and be used to inform future maintenance and development of the site.

Particular reference was made to the core part of the Plan which was the nature recovery by regeneration of the woodland using coppicing and pollarding of trees where appropriate, however the Plan also covered many aspects of the site's management including community engagement.

RECOMMENDED*: That the draft Taddington Valley Woodland Management Plan, attached at Annex 1, be submitted to the Forestry Commission for formal adoption, subject to the incorporation of the proposed amendments listed at Annex 3 to the report.

***Recommended to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

CE 24/9 KEY PERFORMANCE INDICATORS

Members received a list of Key Performance Indicators (KPIs) that were relevant to the committee. The KPIs would be monitored on a quarterly-annual basis and would be made available on an ongoing basis.

CE 24/10 WORK PROGRAMME 2024

The Work Programme setting out matters to be scrutinised during 2024 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 24/11 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 13th February, 2024

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

Cllr Mrs A S Oakley was also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 24/20 DECLARATIONS OF INTEREST

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

CB 24/21 MINUTES

RESOLVED: That the Minutes of the ordinary and extraordinary meetings of the Cabinet held on 9 January and 10 January 2024 respectively be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 24/22 SETTING THE BUDGET 2024-25

Further to the reports to the Overview and Scrutiny Committee earlier in the cycle, the joint report of the Interim Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance and Housing updated the Cabinet on issues relating to the Medium Term Financial Strategy (MTFS) and gave details of the necessary procedure to be followed in order to set the budget for 2024/25.

Members noted that, as at the time of publishing the report the final settlement had not been confirmed, all figures contained in the report were based on the provisional local government financial settlement received in December 2023, which was better than anticipated and saw an overall funding increase on 2023/24 of £416,000 (7.7%).

The Director of Finance and Transformation advised that the final local government finance settlement figure was now confirmed as detailed in the supplementary report published in advance of the meeting. Whilst, the final settlement was more than the provisional settlement by

£175,850 all councils were now required to prepare and submit a productivity plan by July 2024 setting out how they intended to 'improve performance and reduce wasteful expenditure'. It, therefore, seemed appropriate to transfer the additional funding to the earmarked 'Transformation Reserve' on the grounds of supporting the preparation and delivery of a productivity plan and one of the core values set out in the Corporate Strategy.

As a result of increased NNDR receipts, the release of NNDR appeals provision and the better-than-expected settlement the Borough Council had a balanced budget for 2024/25 and had been able to set aside funds in earmarked reserves for key priorities identified within the Corporate Strategy. However, the Settlement Funding Assessment (SFA) was for one year only and the Fair Funding Review deferred to a future date. This further prolonged the uncertainty over local government funding and it was predicted that future funding was likely to be lower. Members recognised that the current global economic conditions had also added to the uncertainty in the scale of the funding gap over the past twelve months. As reported to the Overview and Scrutiny Committee in January 2024, the latest projected funding gap was £1,705,000 over the medium term. This represented new savings that needed to be identified and delivered.

With regard to the Capital Plan, it was reported that the Borough Council was currently debt free. It was noted that, based on current projections, from 2029/30 the Borough Council might need to borrow to fund expenditure (as detailed in 1.7.8). Four schemes had been identified for fast track evaluation and these were food waste collections at communal properties, wetside changing room refurbishment and installation of air source heat pumps at Larkfield Leisure Centre and replacement boilers at the Angel Centre.

The report then described the remaining procedure to be followed in setting the budget for 2024/25 and calculating the council tax. For the purposes of preparing the budget papers and updating the MTFs a council tax increase of 3% for 2024/25 had been assumed followed by the higher of 2% or £5 each year thereafter. This meant a council tax increase for Band D property for 2024/25 of £238.16, which equated to a cash increase of £6.93 per annum.

The Cabinet deliberated on the most appropriate guidance to offer the Council as the way forward for updating the MTFs for the next ten year period and setting the council tax for 2024/25. Members were advised of details of special expenses for the same period.

An updated copy of the Savings and Transformation Strategy was presented, including revised outline targets and timescales for each of the themes totalling £1,705,000 (as detailed in Annex 10b)

Finally, the Director of Finance and Transformation explained the basis on which the statement to the Robustness of the Estimates and Adequacy of the Reserves had been made, including an understanding that the required savings and transformation contributions based on the latest projections in the sum of £1,705,000 together with the initiatives already built into the MTFs (i.e. the scaling back of office accommodation in the sum of £200,000 and reductions in the use of Temporary Accommodation of £400,000) are delivered in the timeframe assumed in the Medium Term Financial Strategy. Reference was also made to the calculation of the Borough Council's council tax requirement as outlined in 1.16 and attached at Annex 17.

***RECOMMENDED:** That

- (1) the Revenue Estimates, as presented to the Overview and Scrutiny Committee earlier in the cycle, together with the earmarked reserve contributions (set out at 1.5.2), with the subsequent adjustments detailed at paragraph 1.5.3, be endorsed and adopted by the Council;
- (2) the Capital Plan be updated, as set out in paragraph 1.7.13, and adopted by the Council;
- (3) the Capital Strategy, as presented to the Overview and Scrutiny Committee earlier in the cycle, be endorsed and adopted by the Council;
- (4) the prudential indicators listed in paragraphs 1.8.7, including the new liability benchmark indicator, and 1.8.11 be endorsed and adopted by the Council;
- (5) for the financial year 2024/25 the Borough Council's annual minimum revenue provision be noted as 'nil';
- (6) the updated MTFs, set out at Annex 10a be noted and endorsed;
- (7) the updated Savings and Transformation Strategy, attached at Annex 10b, including the proposed scale and timing of each of the required savings and transformation contributions, as set out at paragraph 1.11.4, be noted and endorsed;
- (8) the special expenses calculated in accordance with the Special Expenses Scheme and set out at Annex 13b, be endorsed;
- (9) the Statement provided by the Director of Finance and Transformation as to the Robustness of the Estimates and the Adequacy of the Reserves, as set out at Annex 16a, be noted and endorsed;

- (10) the calculation of the Borough Council's council tax requirement at Annex 17 be noted;
- (11) the additional funding of £175,850 allocated through the Final Local Government Finance Settlement be noted;
- (12) the transfer of this additional funding to the earmarked Transformation Reserve be endorsed; and
- (13) the new requirement to submit a productivity plan by July 2024 be noted.

***Recommended to Council**

CB 24/23 SETTING THE COUNCIL TAX 2024-25

The joint report of the Interim Chief Executive, Director of Finance and Transformation, Leader of the Council and Cabinet Member for Finance and Housing set out the requirements under the Local Government Finance Act 1992 for a billing authority to set an amount of council tax for each category of dwelling in its area. Members were advised of the position concerning the determination of their respective precepts for 2024/25 by the major precepting authorities.

Consideration was given to a draft resolution (attached at Annex 2) identifying the process to be undertaken in arriving at the levels of council tax applicable to each part of the Borough. The resolution and further information regarding the precepts of the other authorities would be reported to Council on 20 February 2024.

***RECOMMENDED:** That

- (1) the draft resolution, which would be completed and presented to the Council, be noted; and
- (2) the Council be recommended to approve a 3% or £6.93 per annum increase in the Borough Council's element of the council tax for 2024/25, representing a notional 'average' charge at Band D of £238.16

***Recommended to Council**

CB 24/24 LOCAL COUNCIL TAX REDUCTION SCHEME 2024-25

Consideration was given to the Draft Local Council Tax Reduction Scheme 2024/25 (attached at Annex 1 to the report) which had been revised to bring it in line with statutory prescribed requirements, housing benefit and other national benefit rates and increases to income bands where uplifts to the National Living Wage, a component of the income

band level calculation, had been taken into account. The Scheme applied to working age households.

Members noted that for pension age households the separate Government Scheme prescribed maximum help up to 100% of council tax liability, a minimum requirement of a pension age scheme.

For information, Members were advised that the council tax support fund for 2023/24 to mitigate increases in council tax for low income households ended on 31 March 2024 and currently there was no indication for a renewed Scheme for 2024/25.

***RECOMMENDED:** That the draft Local Council Tax Reduction Scheme 2024/25 (attached at Annex 1) be commended to the Council for adoption.

***Recommended to Council**

CB 24/25 REVENUE ESTIMATES 2024/25

All budgetary matters were considered in detail in the substantive item on Setting the Budget 2024/25 (Minute Number CB 24/22). However, the recommendations from the meeting of the Overview and Scrutiny Committee of 25 January 2024 in relation to the formulation of initial draft proposals in respect of the Budget, including Revenue Estimates (Minute Number OS 24/9) were given due consideration as part of the substantive discussion.

CB 24/26 CAPITAL PLAN REVIEW 2023/24

All budgetary matters were considered in detail in the substantive item on Setting the Budget 2024/25 (Minute Number CB 24/22). However, the recommendations from the meeting of the Overview and Scrutiny Committee of 25 January 2024 in relation to the formulation of initial draft proposals in respect of the Budget, including the Capital Plan (Minute Number OS 24/10) was given due consideration as part of the substantive discussion.

CB 24/27 RISK MANAGEMENT

Consideration was given to recommendation AU 24/4 of the Audit Committee in respect of risk management.

Cabinet had due regard to the views of the Committee, the review undertaken by Zurich Risk Management, the financial and value for money considerations and the legal implications.

***RECOMMENDED:** That

- (1) the Risk Management Health Check be reviewed and the Management response to the recommendations made be considered and approved;
- (2) the Risk Management Strategy and accompanying Risk Management Guidance be reviewed, and subject to any amendments required, be recommended to Full Council for adoption;
- (3) (the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as RED, as well as the general positive 'direction of travel', be noted; and
- (4) the responsible owner of the implementation of the Agile software system be invited to attend a future meeting of the Audit Committee to discuss the risk

Recommended to Council*CB 24/28 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2024/25**

Consideration was given to recommendation AU 24/5 of the Audit Committee of 15 January 2024 in respect of treasury management.

Due regard was given to the views of the Audit Committee, the details of investments undertaken and return achieved in the first eight months of the current financial year, the financial and value for money considerations and the legal implications.

***RECOMMENDED:** That

- (1) the treasury management position as at 30 November 2023 be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2024/25 (presented to the Audit Committee at Annex 5) be adopted.

***Recommended to Council**

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE KEY DECISIONS

CB 24/29 RECYCLING BRING SITES

(Decision Notice D240020CAB)

Consideration was given to recommendation CE 24/4 of the Communities and Environment Scrutiny Select Committee of 7 February 2024 in respect of arrangements for recycling bring sites.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that, in terms of cost per tonne of recycle, the collection of glass, plastics paper and card and cans from the kerbside provided better value for money than collection from bring sites.

RESOLVED: That all remaining sites be removed due to the reasons detailed at section 1.2 of the report.

EXECUTIVE NON-KEY DECISIONS

CB 24/30 DISCOUNT SALE AFFORDABLE HOME OWNERSHIP POLICY

(Decision Notice D240021CAB)

Approval was sought for a new policy outlining the Borough Council's approach to affordable home ownership properties under the Discount Open Market Value and First Homes Schemes. The Policy (attached at Annex 1) set out eligibility criteria for affordable home ownership including local connection and outlined the process for sales.

Careful consideration was given to the local criteria and approach (outlined in 1.2) proposed, the financial and value for money considerations and legal implications. On the grounds that a Policy would help formalise the Borough Council's approach to discount home ownership sales and prioritise homes towards meeting local need, the Cabinet Member for Finance and Housing welcomed the Policy set out at Annex 1. This initiative was supported by the Cabinet.

RESOLVED: That

- (1) the Discounted Sale Affordable Homes Policy be approved and adopted; and
- (2) delegated authority given to the Director of Planning, Housing and Environmental Health, in liaison with the Cabinet Member for

Finance and Housing, to approve any minor changes to the Policy and related or supporting documents (such as procedure).

CB 24/31 CLIMATE CHANGE GAP ANALYSIS OF PROGRESS TOWARDS CARBON NEUTRAL 2030

(Decision Notice D240022CAB)

Consideration was given to recommendation OS 24/11 of the Overview and Scrutiny Committee of 25 January 2024 in respect of the progress being made towards Carbon Neutral 2030.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that whilst good progress had initially been made by the Borough Council in reducing emissions the total emissions from the organisations estate and operations were no longer reducing. The difficulties associated with achieving carbon neutral by 2030 were also recognised.

RESOLVED: That

- (1) climate change be included as a mandatory heading for all Committee and Scrutiny Select Committee report templates (as set out in 1.3.5 to 1.3.8);
- (2) an assessment of the potential of each Directorate and Portfolio to contribute to achieving carbon neutral by 2030 should be carried out (as set out in 1.3.9 and 1.3.10);
- (3) the 2024/25 climate change action plan be prepared with significant further ambition and new commitments (as set out in 1.3.11); and
- (4) the corporate climate change function support teams in the delivery of recommended actions.

CB 24/32 REVIEW OF PEST CONTROL SERVICE

(Decision Notice D240023CAB)

Consideration was given to recommendation CE 24/6 of the Communities and Environment Scrutiny Select Committee of 7 February 2024 in respect of the pest control service.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that whilst there was no statutory requirement to provide a pest control service this had to be balanced with the needs of residents, especially the availability of subsidised treatments to assist

vulnerable households. On the grounds of ensuring value for money and appropriate budget setting given the Borough Council's financial position, Cllr Boughton proposed that expenditure should be up to the current budget subsidy identified. This was seconded by Cllr Coffin and supported by the Cabinet.

Finally, the Director of Planning, Housing and Environmental Health committed to exploring all options to ensure that service efficiencies were identified and that the process was easy to access.

RESOLVED: That

- (1) a pest control service where residents could be referred too and agreed treatments subsidised for those in receipt of Council Tax Reduction up to the current budget subsidy from November 2024 (Option 3) be tendered for; and
- (2) delegated authority be given to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Climate Change, Regeneration and Property should a tender be unsuccessful.

MATTERS SUBMITTED FOR INFORMATION

CB 24/33 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 24/34 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.26 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 20th February, 2024

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 20th February, 2024

Present: His Worship the Mayor (Councillor J R S Lark), the Deputy Mayor (Councillor S M Hammond), Cllr L Athwal, Cllr B Banks, Cllr K Barton, Cllr Mrs S Bell, 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 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 W J Mallard, Cllr A McDermott, Cllr A Mehmet, Cllr D W King, 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 Thornewell, Cllr K S Tunstall and Cllr C J Williams.

An apology for absence was received from Councillor Mrs T Dean

PART 1 - PUBLIC

C 24/1 DECLARATIONS OF INTEREST

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

However, for reasons of transparency Cllr Clokey reminded Members that in relation to agenda item 17 (Treasury Management) he was employed by one of the companies who managed the fund. As this did not represent either a Disclosable Pecuniary or Other Significant Interest there was no reason for Cllr Clokey to withdraw from the meeting.

C 24/2 MINUTES

RESOLVED: That the Minutes of the proceedings of the special, ordinary and extraordinary meetings of the Council held on 24 October and 12 December 2023 respectively be approved as a correct record and signed by the Mayor.

C 24/3 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:

- School nativities and Christmas Fayres
- Borough Council Armistice Day Service at Tonbridge War Memorial
- Tonbridge Remembrance Day Parade & Service
- West Malling Remembrance Day Parade & Service
- Nuclear Veteran Presentation
- Charity Quiz at the Old Fire Station, Tonbridge
- Aylesford Jobs Fair
- Snodland Town Council's Christmas in Snodland
- Tonbridge Christmas Festival
- Tonbridge Lions Club's Seniors Party at The Angel Centre
- Opening of Babons Cancer Support

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

- Cheque Presentation – date to be confirmed
- Honorary Alderman Ceremony on 9 April 2024
- Primary Schools Debate in the Council Chamber on 18 April 2024
- Honorary Freeman Ceremony on 14 May 2024

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

C 24/4 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

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

C 24/5 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

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

C 24/6 LEADER'S ANNOUNCEMENTS

The Leader opened by paying tribute to Tracey Crouch MP who had announced that she would not be seeking re-election to represent the Chatham and Aylesford Constituency. She had been an exceptional champion for residents across Aylesford, Ditton, Larkfield, Snodland and the smaller villages in the north of the Borough and had a national

reputation through her work on loneliness, fixed odds betting terminals and especially through her Independent Review into Football Governance.

Particular reference was made to the preservation of the Finnish Sauna at Ditton which had been granted Grade II listed status and both Tracey and the Leader of the Borough Council had been pleased to welcome the Finnish Ambassador to visit the wonderfully unique building and celebrate the connection the community had with Finland.

Other points highlighted included:

- The major works at the Coldharbour roundabout in Aylesford at junction 5 of the M20 being led by Kent County Council and the importance of having the infrastructure in place to support development;
- The continuation of work alongside NHS Kent and Medway to secure appropriate medical facilities;
- The measures being taken to address anti-social behaviour caused by vehicles in and around Snodland and Larkfield which included the use of dispersal orders and Public Space Protection Orders;
- The steps taken to address misuse of Bailey Bridge car parks in Aylesford;
- The firm action being taken to address littering and flytipping which included unanimous cross party support to increase fines;
- The introduction of food waste collection from communal bin stores;
- The development of the Local Plan; and
- A Digital Inclusion Project run by Kent County Council.

The Leader also reminded of the financial support available to local businesses and residents, including the Shopfront Improvement Scheme, the Green Business Grant Scheme, the West Kent Rural Grants programme.

In closing, the Leader thanked every single colleague who had contributed to the successes of the Borough Council since May and for putting party affiliation behind them to work in the best interest of every resident.

The full Leaders Announcements were available on the Borough Council's [YouTube Channel](#).

MATTERS FOR DECISION

C 24/7 SETTING THE BUDGET 2024-25

Item CB 24/22 referred from the Cabinet of 13 February 2024.

The Mayor proposed that Council Procedure Rule No 6.4 be suspended to allow the leading speakers from each Group to exceed the time limit on speeches when debating the budget proposals. This was seconded by Cllr Boughton and supported by the Council.

In presenting the budget proposals, which had been considered by the Overview and Scrutiny Committee and the Cabinet on 25 January and 13 February 2024 respectively, the Cabinet Member for Finance and Housing highlighted the areas of budget growth and pressure, outlined the support provided to vulnerable residents, businesses and community groups during the last financial year and welcomed the better than anticipated final Local Government Finance Settlement figure as well as better than anticipated business rates receipts. She referenced the Council's new Corporate Strategy and the priorities set within it and was delighted that through this Budget, funds could be allocated in earmarked reserves towards delivery of these priorities. The Cabinet Member for Finance and Housing was pleased to advise that the Borough Council had a balanced budget for 2024/25.

It was proposed by Councillor Tanner and seconded by Councillor Boughton that the recommendations at Minute CB 24/22 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllrs Banks, Bell, Bennison, Betts, Bishop, Boughton, Boxall, Bridge, Brown, Cannon, Clokey, Coffin, Dalton, Davis, Hammond, Harman, Hickmott, Hoskins, Hudson, Keers, King, Lark, Mallard, McDermott, Mehmet, Oakley, Palmer, Rhodes, Roud, Tanner, Tatton, Taylor, Thornewell, Tunstall and Williams

Total: 35

Members voting against the motion: 0

Total: 0

Members abstaining:

Cllrs Athwal, Barton, Cope, Crisp, Hines, Hood, Oliver and Parry

Total: 8

(Total number of Members eligible to vote = 43)

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

C 24/8 SETTING THE COUNCIL TAX 2024-25

Item CB 24/23 referred from the Cabinet of 13 February 2024 recommended that a 3% or £6.93 per annum increase in the Borough Council's element of the Council Tax for 2024/25, representing a notional 'average' charge at Band D of £238.16 be approved.

As the billing authority, the Council was required to resolve the levels of council tax for each Band and for each area within the borough consolidating the requirements from all precepting authorities. A Council Tax Resolution incorporating all this information was presented to Members as a supplement to the agenda.

It was proposed by Councillor Tanner and seconded by Councillor Boughton that the recommendations at Minute CB 24/23 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllrs Athwal, Banks, Barton, Bell, Bennison, Betts, Bishop, Boughton, Boxall, Bridge, Brown, Cannon, Clokey, Coffin, Cope, Crisp, Dalton, Davis, Hammond, Harman, Hickmott, Hines, Hood, Hoskins, Hudson, Keers, King, Lark, Mallard, McDermott, Mehmet, Oakley, Oliver, Palmer, Parry, Rhodes, Roud, Tanner, Tatton, Taylor, Thornewell, Tunstall and Williams.

Total: 43

Members voting against the motion: 0

Total: 0

Members abstaining: 0

Total: 0

(Total number of Members eligible to vote = 43)

RESOLVED: That the recommendations at Minute CB 24/23 be approved and the Council Tax Resolution 2024/25, as set out as an Annex to these Minutes, be adopted.

C 24/9 LOCAL COUNCIL TAX REDUCTION SCHEME 2024-25

Item CB 24/24 referred from Cabinet of 13 February 2024. It was proposed by Cllr Boughton and seconded by Cllr Coffin that the recommendation of Cabinet be approved.

RESOLVED: That the draft Local Council Tax Reduction Scheme 2024/25 (attached as Annex 1) be approved.

C 24/10 MEDIUM TERM FINANCIAL STRATEGY AND SAVINGS UPDATE

Item CB 23/105 referred from Cabinet of 5 December 2023. Members were reminded that the recommendations had been considered in detail by the Cabinet as part of the substantive item on Setting the Budget 2024/25. Cllr Boughton proposed, seconded by Cllr Coffin that the recommendations of Cabinet be approved.

RESOLVED: That

- (1) the latest forecast of the Medium Term Financial Strategy and the funding gap, now estimated to be £1.78m after incorporating £120k of savings into Draft Estimates, for 2024/25 (detailed in 1.5.1) be noted;
- (2) the progress with the Savings and Transformation contributions for Tranche 1, as set out in 1.5.1, be noted;
- (3) the Tranche 1 savings target be divided into two parts, with a target saving of £195k in Tranche 1a and £305k in Tranche 1b;
- (4) the Finance, Regeneration and Property Scrutiny Select Committee give consideration to potential savings for Tranche 2 onwards and how these could be implemented; and
- (5) the proposals set out in 1.6.3 in respect of the windfall sum be commended to Council for approval.

C 24/11 COUNCIL TAX PREMIUM CHANGES FOR EMPTY AND SECOND HOMES

The recommendation of Cabinet of 5 December 2023 gave due regard to the financial and value for money considerations and the summary of the perceived risks set out in the report. It was recognised that these premiums could strengthen the incentive of owners of empty properties to bring them back into use and might encourage the sale or even private rental options in support of the Borough Council priorities in respect of housing options. This view was supported by the Council.

RESOLVED: That

- (1) the amendments to Council Tax empty home premiums from 2024/25 financial year onwards, as set out in 1.3.1, be adopted; and
- (2) a Council Tax premium to second homes from 2025/26 financial year onwards, as set out in 1.4.3, be introduced.

C 24/12 SUSTAINABLE TEMPORARY ACCOMMODATION OPTIONS REPORT AND TEMPORARY ACCOMMODATION PROVISION ACTION PLAN

Consideration was given to the recommendations of the Housing and Planning Scrutiny Select Committee of 14 December 2023 in respect of sustainable temporary accommodation options. Due regard had been given to the financial and value for money considerations and the legal implications set out in the external consultants (Altair) report. It was noted that the Temporary Accommodation Portfolio Action Plan had been approved and adopted by Cabinet on 5 December 2023.

RESOLVED: That the Options Appraisal Report on Sustainable Temporary Accommodation Delivery by Altair, attached at Annex 1, be noted and endorsed.

C 24/13 LOCALISM ACT - PAY POLICY

Consideration was given to the recommendations of the General Purposes Committee of 24 January 2024 in respect of the requirements of the Localism Act 2011 and an updated Pay Policy Statement for 2024/25 as set out in Annex 1.

As there had not been many significant changes in the Borough Council's remuneration policy, apart from the introduction of the Recruitment and Retention Market Supplement Policy in October 2023, the substantive content of the updated Policy was nearly identical to the Borough Council's first Pay Policy Statement (adopted by the Council on 16 February 2012).

RESOLVED: That the Pay Policy Statement set out in Annex 1 be endorsed and adopted.

C 24/14 RISK MANAGEMENT

Consideration was given to the recommendation of the Cabinet of 13 February 2024 in respect of risk management. Due regard had been given to the views of the Audit Committee of 15 January 2024, the review undertaken by Zurich Risk Management, the financial and value for money considerations and the legal implications.

RESOLVED: That

- (1) the Risk Management Health Check be reviewed and the Management response to the recommendations made be considered and approved;
- (2) the Risk Management Strategy and accompanying Risk Management Guidance be reviewed, and subject to any

amendments required, be recommended to Full Council for adoption;

- (3) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as RED, as well as the general positive 'direction of travel', be noted; and
- (4) the responsible owner of the implementation of the Agile software system be invited to attend a future meeting of the Audit Committee to discuss the risk.

C 24/15 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2024/25

Consideration was given to the recommendations of Cabinet of 13 February 2024 in respect of treasury management. Due regard had been given to the views of the Audit Committee of 15 January 2024, the details of investments undertaken and return achieved in the first eight months of the current financial year, the financial and value for money considerations and the legal implications.

RESOLVED: That

- (1) the treasury management position as at 30 November 2023 be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2024/25 (presented to the Audit Committee at Annex 5) be adopted.

MATTERS FOR INFORMATION

C 24/16 STANDARDS HEARING PANEL - 8 DECEMBER 2023

The report of the Interim Chief Executive provided an update from a meeting of the Standards Hearing Panel which had met on 8 December 2023 to determine an allegation that a Borough Councillor had breached the Code of Conduct for the Borough Council.

Members noted that, having heard in person from the Independent External Investigator and the subject Member and having considered the written representations of the Independent Person, the Panel concluded that on balance of probabilities on the evidence presented that the Tonbridge and Malling Borough Council Code of Conduct had been breached. The full reasons for this decision were contained in the Decision Notice attached at Annex 1.

There was a brief discussion on the role of the Independent Person and it was hoped that the current second vacancy would be filled so that the Borough Council had 2 Independent Persons available to provide flexibility.

Reference was made to the further recommendation of the Panel (set out at 5.3 of the Decision Notice) that consideration be given to the format of private workshops/informal meetings in the future and it was suggested that clarity be provided on whether knowledge of the meeting itself should remain confidential or just the information provided or the discussions at the meeting.

C 24/17 MINUTES OF CABINET AND COMMITTEES

The Minutes of meetings of the Cabinet and Committees for the period October 2023 – January 2024, as set out in the Minute Book (Volume 1) (attached as a supplement) were received and noted.

Any recommendations to the Council from Cabinet or Committees were resolved elsewhere on the agenda.

C 24/18 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 9.35 pm

COUNCIL TAX

DRAFT RESOLUTION

1. It be noted that on 20th February 2024 the Council calculated:

- (a) the Council Tax Base 2024/25 for the whole Council area as 53,477.93 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")] and,
- (b) for dwellings in those parts of its area to which one or more special items (Special expenses and or a Parish precept) relates as follows:

Tonbridge	13,910.14
Addington	433.81
Aylesford	4,547.81
Birling	200.65
Borough Green	1,724.50
Burham	469.77
Ditton	1,812.85
East Malling & Larkfield	5,255.59
East Peckham	1,347.62
Hadlow	1,580.25
Hildenborough	2,313.52
Ightham	1,137.31
Kings Hill	4,623.08
Leybourne	1,935.76
Mereworth	453.62
Offham	403.64
Platt	905.45
Plaxtol	596.98
Ryarsh	377.16
Shipbourne	273.97
Snodland	3,959.82
Stansted	288.71
Trottscliffe	283.92
Wateringbury	962.05
West Malling	1,283.58
West Peckham	182.20
Wouldham	1,227.62
Wrotham	986.55

2. £12,736,304 being the Council Tax requirement for the Council's own purposes for 2024/25 (excluding Parish Precepts).

3. That the following amounts be calculated for the year 2023/24 in accordance with Sections 31 to 36 of the Act:

- (a) £107,506,101 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
- (b) £90,967,174 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £16,538,927 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
- (d) £309.27 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year including Parish precepts.
- (e) £4,999,373 being the aggregate amount of all special items (Special expenses and Parish precepts) referred to in Section 34(1) of the Act.
- (f) £215.78 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relate (this is the Council Tax for General Expenses to which Special expenses and Parish precepts are added as applicable).

(g) <u>Part of the Council's area</u>	£
Tonbridge	292.60
Addington	278.78
Aylesford	285.47
Birling	280.36
Borough Green	360.44
Burham	278.18
Ditton	374.74
East Malling & Larkfield	314.34
East Peckham	336.60
Hadlow	301.67
Hildenborough	274.68
Ightham	330.28
Kings Hill	329.38
Leybourne	329.76
Mereworth	306.14
Offham	283.01
Platt	308.17
Plaxtol	311.64
Ryarsh	293.58
Shipbourne	271.84
Snodland	309.42
Stansted	277.36
Trottscliffe	321.44
Wateringbury	349.92
West Malling	335.80
West Peckham	254.11
Wouldham	277.49
Wrotham	357.24

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

(h)

Valuation Bands

<u>Part of the Council's area</u>	A £	B £	C £	D £	E £	F £	G £	H £
Tonbridge	195.06	227.58	260.08	292.60	357.62	422.64	487.66	585.20
Addington	185.85	216.83	247.80	278.78	340.73	402.68	464.63	557.56
Aylesford	190.31	222.03	253.74	285.47	348.91	412.34	475.78	570.94
Birling	186.91	218.05	249.20	280.36	342.67	404.96	467.27	560.72
Borough Green	240.29	280.34	320.38	360.44	440.54	520.63	600.73	720.88
Burham	185.45	216.36	247.27	278.18	340.00	401.81	463.63	556.36
Ditton	249.83	291.46	333.10	374.74	458.02	541.29	624.57	749.48
East Malling & Larkfield	209.55	244.49	279.41	314.34	384.19	454.05	523.89	628.68
East Peckham	224.40	261.80	299.19	336.60	411.40	486.20	561.00	673.20
Hadlow	201.11	234.63	268.15	301.67	368.71	435.74	502.78	603.34
Hildenborough	183.12	213.64	244.16	274.68	335.72	396.76	457.80	549.36
Ightham	220.18	256.89	293.58	330.28	403.67	477.07	550.46	660.56
Kings Hill	219.58	256.19	292.78	329.38	402.57	475.77	548.96	658.76
Leybourne	219.83	256.49	293.12	329.76	403.03	476.32	549.59	659.52
Mereworth	204.09	238.11	272.12	306.14	374.17	442.20	510.23	612.28
Offham	188.67	220.12	251.56	283.01	345.90	408.79	471.68	566.02
Platt	205.44	239.69	273.93	308.17	376.65	445.13	513.61	616.34
Plaxtol	207.76	242.39	277.01	311.64	380.89	450.14	519.40	623.28
Ryarsh	195.72	228.34	260.96	293.58	358.82	424.06	489.30	587.16
Shipbourne	181.22	211.43	241.63	271.84	332.25	392.66	453.06	543.68
Snodland	206.27	240.66	275.03	309.42	378.18	446.94	515.69	618.84
Stansted	184.90	215.73	246.54	277.36	338.99	400.63	462.26	554.72
Trottscliffe	214.29	250.01	285.72	321.44	392.87	464.30	535.73	642.88
Wateringbury	233.27	272.16	311.03	349.92	427.68	505.44	583.19	699.84
West Malling	223.86	261.18	298.48	335.80	410.42	485.05	559.66	671.60
West Peckham	169.40	197.64	225.87	254.11	310.58	367.05	423.51	508.22
Wouldham	184.99	215.83	246.66	277.49	339.15	400.82	462.48	554.98
Wrotham	238.16	277.85	317.54	357.24	436.63	516.01	595.40	714.48

being the amounts given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted that for the year 2023/24 The Police & Crime Commissioner for Kent, the Kent & Medway Fire & Rescue Authority and the Kent County Council have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

<u>Precepting Authority</u>	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
The Police & Crime Commissioner for Kent	170.77	199.23	227.69	256.15	313.07	369.99	426.92	512.30
Kent & Medway Fire & Rescue Authority	59.94	69.93	79.92	89.91	109.89	129.87	149.85	179.82
Kent County Council	1,073.88	1,252.86	1,431.84	1,610.82	1,968.78	2,326.74	2,684.70	3,221.64

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4. above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2023/24, for each of the categories of dwellings shown below:

<u>Part of the Council's area</u>	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
Tonbridge	1,499.65	1,749.60	1,999.53	2,249.48	2,749.36	3,249.24	3,749.13	4,498.96
Addington	1,490.44	1,738.85	1,987.25	2,235.66	2,732.47	3,229.28	3,726.10	4,471.32
Aylesford	1,494.90	1,744.05	1,993.19	2,242.35	2,740.65	3,238.94	3,737.25	4,484.70
Birling	1,491.50	1,740.07	1,988.65	2,237.24	2,734.41	3,231.56	3,728.74	4,474.48
Borough Green	1,544.88	1,802.36	2,059.83	2,317.32	2,832.28	3,347.23	3,862.20	4,634.64
Burham	1,490.04	1,738.38	1,986.72	2,235.06	2,731.74	3,228.41	3,725.10	4,470.12
Ditton	1,554.42	1,813.48	2,072.55	2,331.62	2,849.76	3,367.89	3,886.04	4,663.24
East Malling & Larkfield	1,514.14	1,766.51	2,018.86	2,271.22	2,775.93	3,280.65	3,785.36	4,542.44
East Peckham	1,528.99	1,783.82	2,038.64	2,293.48	2,803.14	3,312.80	3,822.47	4,586.96
Hadlow	1,505.70	1,756.65	2,007.60	2,258.55	2,760.45	3,262.34	3,764.25	4,517.10
Hildenborough	1,487.71	1,735.66	1,983.61	2,231.56	2,727.46	3,223.36	3,719.27	4,463.12
Ightham	1,524.77	1,778.91	2,033.03	2,287.16	2,795.41	3,303.67	3,811.93	4,574.32
Kings Hill	1,524.17	1,778.21	2,032.23	2,286.26	2,794.31	3,302.37	3,810.43	4,572.52
Leybourne	1,524.42	1,778.51	2,032.57	2,286.64	2,794.77	3,302.92	3,811.06	4,573.28
Mereworth	1,508.68	1,760.13	2,011.57	2,263.02	2,765.91	3,268.80	3,771.70	4,526.04
Offham	1,493.26	1,742.14	1,991.01	2,239.89	2,737.64	3,235.39	3,733.15	4,479.78
Platt	1,510.03	1,761.71	2,013.38	2,265.05	2,768.39	3,271.73	3,775.08	4,530.10
Plaxtol	1,512.35	1,764.41	2,016.46	2,268.52	2,772.63	3,276.74	3,780.87	4,537.04
Ryarsh	1,500.31	1,750.36	2,000.41	2,250.46	2,750.56	3,250.66	3,750.77	4,500.92
Shipbourne	1,485.81	1,733.45	1,981.08	2,228.72	2,723.99	3,219.26	3,714.53	4,457.44
Snodland	1,510.86	1,762.68	2,014.48	2,266.30	2,769.92	3,273.54	3,777.16	4,532.60
Stansted	1,489.49	1,737.75	1,985.99	2,234.24	2,730.73	3,227.23	3,723.73	4,468.48
Trottscliffe	1,518.88	1,772.03	2,025.17	2,278.32	2,784.61	3,290.90	3,797.20	4,556.64
Wateringbury	1,537.86	1,794.18	2,050.48	2,306.80	2,819.42	3,332.04	3,844.66	4,613.60
West Malling	1,528.45	1,783.20	2,037.93	2,292.68	2,802.16	3,311.65	3,821.13	4,585.36
West Peckham	1,473.99	1,719.66	1,965.32	2,210.99	2,702.32	3,193.65	3,684.98	4,421.98
Wouldham	1,489.58	1,737.85	1,986.11	2,234.37	2,730.89	3,227.42	3,723.95	4,468.74
Wrotham	1,542.75	1,799.87	2,056.99	2,314.12	2,828.37	3,342.61	3,856.87	4,628.24

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 21st February, 2024

Present: Cllr W E Palmer (Chair), Cllr C Brown (Vice-Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, Cllr P Boxall, Cllr M A Coffin, Cllr S Crisp, Cllr S A Hudson, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor

In attendance: Councillor D Thornewell was also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors D A S Davis and M A J Hood participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs T Dean, D Harman and J R S Lark.

PART 1 - PUBLIC

AP2 24/1 DECLARATIONS OF INTEREST

For reasons of transparency, and on the advice of the Monitoring Officer, Councillors M Coffin and R Betts declared an Other Significant Interest on the grounds of being close friends of the landowner and Councillors W Palmer (Chair) and M Taylor declared a potential pre-determination and bias regarding application TM/23/00681/OAEA (Land part of Wrotham Water Farm off London Road, Wrotham, Sevenoaks). After hearing the views of the members of the public they addressed the Committee before withdrawing from the meeting and took no part in the debate or vote. The Vice-Chair, Councillor C Brown, chaired the meeting for this item.

AP2 24/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 6 December 2023 be approved as a correct record and signed by the Chairman.

AP2 24/3 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.

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

AP2 24/4 TM/23/03116/HH - 246 BUTCHERS LANE, MEREWORTH, MAIDSTONE

Erection of a detached garage

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.

[Speaker: Ms Jessica Hampson (on behalf of the applicant) addressed the Committee in person]

AP2 24/5 TM/23/00681/OAEA - LAND PART OF WROTHAM WATER FARM OFF LONDON ROAD, WROTHAM, SEVENOAKS

Outline Application (all matters reserved except access): Construction of a secure 24 hour truck stop facility for up to 200 HGVs incorporating fuel station; amenity building of up to 1100 sqm; creation of a new access to A20 via roundabout; landscaping and other associated works – Application supported by an Environmental Impact Assessment

It was proposed by Cllr Roud, seconded by Cllr Banks that the application be approved on the grounds that very special circumstances could be demonstrated to outweigh the harm the proposed development would cause to the Green Belt and the landscape setting of the Kent Downs National Landscape Area on the basis of (1) the national need for lorry parking facilities on/near the Strategic Road Network in accordance with the recommendations from Department for Transport Circular 01/2022 that the maximum distance between motorway facilities providing HGV parking should be no more than 14 miles and the proposed development being situated in a location to meet the requirement; and (2) precedents of truck stops developed elsewhere in Green Belt and AONB. This motion was defeated.

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

1. The proposal would constitute inappropriate development, harmful by definition, with a widespread and significant adverse loss of spatial and visual openness. It would further conflict with

the purposes of including land within the Green Belt, by encroaching into the countryside, and no very special circumstances have been demonstrated to clearly outweigh this harm, in conflict with policy CP3 of the Tonbridge and Malling Core Strategy and paragraphs 142, 143, 152, 153, 154 and 155 of the National Planning Policy Framework.

2. The development would harmfully erode the rural character and appearance of the area, and cause significant harm to the landscape setting of the Kent Downs National Landscape Area through the introduction of substantial areas of built form, hardstanding and artificial lighting, in conflict with policy CP7 and CP24 of the Tonbridge and Malling Core Strategy, policy SQ1 of the Managing Development and the Environment Development Plan Document, paragraphs 182 and 135 of the National Planning Policy Framework, and policies SD1, SD2, SD8, and MMP2 of the Kent Downs AONB Management plan.

[Speakers: Ms Jessica Hampson (on behalf of the alliance of Wrotham, Platt, Borough Green, Addington and Stansted Parish Councils), Mr Josh Nelson and Ms Nicola Stonebank (members of the public) and Ms Jess Lockwood (on behalf of the Applicant) addressed the Committee in person]

AP2 24/6 TM/23/01960/FL - GARAGE BLOCK REAR OF 1 TO 7 MORRIS CLOSE, EAST MALLING, WEST MALLING

Demolition of existing garages and construction of 3 x 3 bed 5 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of 23/00860/FL)

There was detailed discussion on the provision of parking spaces within the neighbourhood area and impact on existing residents in the vicinity of the site and concern was raised over the lack of communication in respect of the proposed development with the neighbouring properties. However, members acknowledged the significant need for affordable housing which was to be provided by this development.

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) delegation to the Director of Planning, Housing and Environmental Health, in consultation with the Chair, to negotiate with the Applicant with a view to bring forward the timeframe for the development to begin from 3 years to an earlier period (within Condition 1); and

(2) Additional Informative 18:

The Applicant is requested to share details of the Construction Management Plan with neighbouring properties of the site in advance of construction starting.

[Speaker: Mr Dave Stengel (on behalf of the Applicant) addressed the Committee in person]

AP2 24/7 TM/23/01961/FL - GARAGE BLOCK REAR OF BLATCHFORD CLOSE, EAST MALLING, WEST MALLING

Demolition of existing garages and construction of 3 x 3 bed 5 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of 23/00861/FL)

There was detailed discussion on the provision of parking spaces within the neighbourhood area and impact on existing residents in the vicinity of the site and concern was raised over the lack of communication in respect of the proposed development with the neighbouring properties. However, members acknowledged the significant need for affordable housing which was to be provided by this development.

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) delegation to the Director of Planning, Housing and Environmental Health, in consultation with the Chair, to negotiate with the Applicant with a view to bring forward the timeframe for the development to begin from 3 years to an earlier period (within Condition 1); and

(2) Additional Informative 18:

The Applicant is requested to share details of the Construction Management Plan with neighbouring properties of the site in advance of construction starting.

[Speaker: Mr Dave Stengel (on behalf of the Applicant) addressed the Committee in person]

AP2 24/8 TM/23/01962/FL - GARAGE BLOCK REAR OF ADDISON CLOSE, EAST MALLING, WEST MALLING

Demolition of existing garages and construction of 4 x 3 bed 5 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of 23/00862/FL)

There was detailed discussion on the provision of parking spaces within the neighbourhood area and impact on existing residents in the vicinity of the site and concern was raised over the lack of communication in respect of the proposed development with the neighbouring properties. However, members acknowledged the significant need for affordable housing which was to be provided by this development.

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) delegation to the Director of Planning, Housing and Environmental Health, in consultation with the Chair, to negotiate with the Applicant with a view to bring forward the timeframe for the development to begin from 3 years to an earlier period (within Condition 1); and
- (2) Additional Informative 16:

The Applicant is requested to share details of the Construction Management Plan with neighbouring properties of the site in advance of construction starting.

[Speaker: Mr Dave Stengel (on behalf of the Applicant) addressed the Committee in person]

AP2 24/9 TM/23/01974/FL - GARAGE BLOCK REAR OF TYLER CLOSE, EAST MALLING, WEST MALLING

Demolition of existing garages and construction of 3 x 2 bed 4 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of TM/23/00863/FL)

There was detailed discussion on the provision of parking spaces within the neighbourhood area and impact on existing residents in the vicinity of the site and concern was raised over the lack of communication in respect of the proposed development with the neighbouring properties. However, members acknowledged the significant need for affordable housing which was to be provided by this development.

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) delegation to the Director of Planning, Housing and Environmental Health, in consultation with the Chair, to negotiate with the Applicant with a view to bring forward the timeframe for

the development to begin from 3 years to an earlier period (within Condition 1); and

(2) Additional Informative 16:

The Applicant is requested to share details of the Construction Management Plan with neighbouring properties of the site in advance of construction starting.

[Speakers: Ms Amy Falconer (member of the public) and Mr Dave Stengel (on behalf of the Applicant) addressed the Committee in person]

AP2 24/10 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

There were no updates in respect of planning appeals, public enquiries and hearings held since the last meeting of the Planning Committee. The Head of Planning (James Bailey) commented that updates would be reported to future meetings.

AP2 24/11 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 5th March, 2024

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

Virtual: Councillors Mrs S Bell, J Clokey, S Crisp, Mrs A S Oakley, M R Rhodes and Mrs M Tatton participated via MS Teams in accordance with Access to Information Rule No 23.

An apology for absence was received from Councillor D Keers.

PART 1 - PUBLIC

CB 24/35 DECLARATIONS OF INTEREST

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

CB 24/36 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 13 February 2024 be approved as a correct record and signed by the Chairman.

MATTERS SUBMITTED FOR INFORMATION

CB 24/37 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 24/38 NOTICE OF FORTHCOMING KEY DECISIONS

Notice of Forthcoming Key Decisions for April 2024 was presented for information.

CB 24/39 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE**DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION****EXECUTIVE NON-KEY DECISIONS****CB 24/40 WINDMILL LANE GYPSY AND TRAVELLER SITE**

(Decision Notice D240029CAB)

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

Careful consideration was given to options in respect of the future management arrangement of the Windmill Lane Gypsy and Traveller site following transfer of the management of the site from Kent County Council to the Borough Council on 31 March 2024.

RESOLVED: That

- (1) in principle, subject to a legal position being agreed, the management of the Windmill Lane Gypsy and Traveller site be carried out by Kent County Council during the 2024/25 financial year;
- (2) the one-year management cost for 2024/25 be funded from Budget Stabilisation;
- (3) authority be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Finance and Housing, to conclude negotiations on the management agreement; and
- (4) it be noted that Kent County Council's ongoing review of asset management meant that options for management beyond this 12-month period would need to be fully explored and presented to Members again in a timely manner to ensure that appropriate arrangements would be in place for management of the Windmill Lane site from 1 April 2025.

The meeting ended at 7.40 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

FINANCE, REGENERATION AND PROPERTY SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 12th March, 2024

Present: Cllr D Harman (Chair), Cllr C Brown (Vice-Chair), Cllr T Bishop, Cllr R I B Cannon, Cllr A Mehmet, Cllr W E Palmer, Cllr M R Rhodes, Cllr C J Williams, Cllr K Barton (substitute), Cllr G C Bridge (substitute), Cllr J Clokey (substitute) and Cllr M A J Hood (substitute).

Cllrs R P Betts, M D Boughton, S Crisp, D Keers, K B Tanner, M A Coffin*, Mrs A S Oakley*, R W G Oliver* and M Taylor* were also present pursuant to Council Procedure Rule No 15.21.

*participated online

Apologies for absence were received from Councillors L Athwal, P Boxall, Mrs T Dean and B A Parry

PART 1 - PUBLIC

FRP 24/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr Barton substitute for Cllr Athwal
- Cllr Bridge substitute for Cllr Boxall
- Cllr Clokey substitute for Cllr Dean
- Cllr Hood substitute for Cllr Parry

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 24/2 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, for reasons of transparency Cllr Bishop reminded the Committee that he was the Borough Council's representative on the Board of the Tonbridge and Malling Leisure Trust referenced in the Tonbridge Town Centre Asset Review matter (agenda item 6). As this did not represent a Disclosable Pecuniary or Other Significant Interest there was no requirement to withdraw from the meeting.

FRP 24/3 MINUTES

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

MATTERS FOR RECOMMENDATION TO THE CABINET

FRP 24/4 TONBRIDGE TOWN CENTRE ASSET REVIEW - PHASE 2

The joint report of the Cabinet and Management Team set out a number of options in respect of Phase 2 of the Tonbridge Town Centre asset review; proposed the creation of a Tonbridge Town Centre Programme Board and sought views on the strategic direction for how the aims and objectives could be achieved.

Members noted that Phase 2 was the next step in a long process associated with bringing forward a major town centre redevelopment and welcomed the opportunity to comment on the types of uses that could be considered in the area east of the High Street and on a wide range of matters to help inform the strategic direction the work took in future phases. Reference was made to the risks associated with progressing a town centre redevelopment scheme especially if there was not a robust governance arrangement in place for taking forward such a large and complex programme of work. The establishment of a specific Tonbridge Town Centre Programme Board with clear terms of reference was one way of mitigating those risks. In addition, to ensure that all areas of work were effectively co-ordinated the appointment of a Tonbridge Town Centre Programme Manager was supported.

Careful consideration was given to the detailed reports and assessments provided by the external consultant, Mace, set out in the attached annexes. There was detailed discussion on a number of significant issues including governance and project management, parking, housing and engagement and consultation with key stakeholders and the public. Due regard was also given to climate change factors, affordable housing for local residents, the financial and value for money implications and local infrastructure.

Members expressed preferences in relation to aspects of the project and a number of recommendations were proposed, seconded and supported.

***RECOMMENDED:** That

- (1) the Phase 2 reports from Mace be noted;

- (2) in order to facilitate efficient and consistent decision making, Officers be instructed to develop terms of reference for a Tonbridge Town Centre Programme Board (as set out in 1.3.6, 1.3.7 and Annex 6) for Cabinet approval;
- (3) on the grounds that the proposals from Sainsbury PLC, the potential provision of a hotel and medical practice were likely to attract greater numbers to the town, the Borough Councils general approach to parking should be to provide unallocated parking spaces between the current 970 and anticipated future peak demand;
- (4) options for a podium parking solution with development above, be explored for Angel West car park;
- (5) the Borough Councils general approach to housing should be to focus on low-rise high-density housing types and any development should maximise affordable housing provision and place the needs of local residents first and should preferably be delivered by a Borough Council owned housing company, subject to further investigation by the Programme Board and more detailed viability work being undertaken;
- (6) options be explored for retail and commercial use around public spaces that provided flexible, simple units to optimise value, with the Borough Council acting as landlord for any new retail units and recognising the precarious nature of the High Street and not risk the viability of current commercial businesses by the creation of an alternative shopping centre;
- (7) options for a hotel be included in the project with the possibility of the Borough Council acting as developer and landlord;
- (8) the inclusion of a GP Practice be supported on the grounds of providing adequate infrastructure for residents and the Borough Council should look to incorporate into the redevelopment as landlord;
- (9) the Borough Council should aspire to undertake a master developer role to influence the shape, style and design of the development so that it remained sympathetic to the local area; and the extent and scope of this role should be reviewed by the Tonbridge Town Centre Programme Board;
- (10) the Borough Council should explore a collaborative agreement with Network Rail in relation to their train station car park sites and the Tonbridge Town Centre Programme Board should consider whether other stakeholders and/or landowners should be approached;

- (11) the Borough Council should commit to a net zero baseline as a fundamental requirement of the development;
- (12) to guarantee continuity of service for leisure and community users, the Angel Centre should remain open and in operation until a replacement facility was available;
- (13) upon completion of the Alliance Leisure feasibility study on options for potential leisure and community uses, facilities and locations, and subject to agreement of the Tonbridge Town Centre Programme Board, full public consultation be undertaken as soon as possible on the master plan proposals;
- (14) the Tonbridge Town Centre Programme Board be requested to liaise with key stakeholders, partners and landowners to discuss options around services and operations;
- (15) Officers be instructed to develop a communication strategy for the Tonbridge Town Centre Project to be reported to a future meeting of the Programme Board for consideration; and
- (16) Officers be instructed to progress a masterplan exercise for the area east of the High Street.

***Recommended to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

FRP 24/5 CORPORATE KEY PERFORMANCE INDICATORS

Members reviewed and noted the data provided in respect of Key Performance Indicators (KPIs) that were aligned to the Corporate Strategy 2023-27 and monitored on a quarterly or annual basis. The data provided related to the period up to the end of December 2023.

FRP 24/6 WORK PROGRAMME 2024-25

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 24/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

PART 2 - PRIVATE

MATTERS SUBMITTED FOR INFORMATION

FRP 24/8 TONBRIDGE TOWN CENTRE ASSET REVIEW - PHASE 2 (ANNEX 7)

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

Annex 7 was attached for information only and there was no requirement for any discussion on the matter.

The meeting ended at 9.35 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Wednesday, 13th March, 2024

Present: Cllr M R Rhodes (Chair), Cllr M A Coffin (Vice-Chair), Cllr L Athwal (substitute), Cllr K Barton, Cllr A G Bennison, Cllr G C Bridge (substitute), Cllr R I B Cannon (substitute), Cllr J Clokey, Cllr D A S Davis, Cllr R V Roud and Cllr K B Tanner

In attendance: Councillors M D Boughton and P M Hickmott were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillor W E Palmer participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors B A Parry, B Banks and A McDermott.

PART 1 - PUBLIC

GP 24/10 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr L Athwal substituted for Cllr B A Parry
- Cllr G Bridge substituted for Cllr B Banks
- Cllr R Cannon substituted for Cllr A McDermott

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.

GP 24/11 DECLARATIONS OF INTEREST

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

GP 24/12 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 24 January 2024 be approved as a correct record and signed by the Chairman.

MATTERS SUBMITTED FOR INFORMATION**GP 24/13 GENDER PAY GAP REPORT 2022-2023**

The report of the Interim Chief Executive summarised the legislative context of gender pay gap reporting and incorporated the outcomes of the Borough Council's gender pay gap analysis for 2022-2023.

Overall, during the most recent twelve month period there had been a positive shift in the mean and median gender pay gap of 3.48% and 7.65% respectively compared to the previous year. It was noted that the reduction in the size of the Council's gender pay gap was likely due to the fact that the three most senior positions the Council had appointed to during the 2022-2023 financial year were posts graded M4, M5 and M6 respectively and all three appointments were taken up by female staff.

Attention was made to the actions the Council was taking to try to address the Gender Pay Gap, in particular the Remote Working Policy, the Flexible Working and Time Off Policy and the Council's commitment to undertaking further work regarding the menopause to ensure that those affected felt supported at work.

MATTERS FOR CONSIDERATION IN PRIVATE**GP 24/14 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE**DECISIONS TAKEN UNDER DELEGATED POWERS****GP 24/15 ESTABLISHMENT REPORT**

(Reasons: LGA 1972 – Sch 12A Paragraph 1 and 2 - Information relating to an individual and information which is likely to reveal the identity of an individual).

The report set out for Members' approval a number of establishment changes recommended by Management Team. Members noted that, in accordance with adopted conventions, all of the savings/costs referred to in the report reflected the salary at the top of the scale/grade plus associated on costs.

RESOLVED: That

- (1) the change in job title of post DJ0182 from Principal Enforcement Officer to Planning Enforcement Manager, be noted;
- (2) the regrading of the Licensing Officer post (DR0406) to scale 6, be noted;
- (3) post DN0201, Technical Support Manager (M6), be deleted with effect from 1 April 2024;
- (4) post DN0110 Technical Architect (M7), be deleted with effect from 1 April 2024;
- (5) a new post of IT Technical Architect and Support Manager (M6), be created with effect from 1 April 2024;
- (6) an additional post of Senior Developer/Analyst (M8), be created with effect from 1 April 2024;
- (7) the IT Applications and Development Team Manager post (DN0101) be regraded from M7 to M6 with effect from 1 April 2024; and
- (8) the overall cost implications as set out in paragraph 1.5, be noted.

RECOMMENDED*: That

- (i) the Housing Solutions Officers (DV0785 and DV0788), Accommodation Officer (DV0786), Homelessness Prevention Officers (DV0789 and DV0790) and Housing Allocations Assistant (DV0791), be permanently established with effect from 1 May 2024; and
- (ii) the funding for these posts be provided from the annual Homelessness Prevention Grant Allocations commencing in 2024/25, and it be noted that should future grant allocations cease to provide sufficient funding, a review of resourcing would need to be undertaken.

***Recommended to Council**

The meeting ended at 7.52 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 19th March, 2024

Present: Cllr D A S Davis (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr Mrs S Bell, Cllr G C Bridge, Cllr R W Dalton, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr A Mehmet, Cllr W E Palmer, Cllr R V Roud and Cllr D Thornewell

A G Bennison, Mrs A S Oakley, K B Tanner, M Taylor, M D Boughton*, M R Rhodes* and Mrs M Tatton* were also present pursuant to Council Procedure Rule No 15.21.

*Participated via MS Teams

HP 24/6 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members nominated for this meeting.

HP 24/7 DECLARATIONS OF INTEREST

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

HP 24/8 MINUTES

RESOLVED: That the notes of the ordinary and extraordinary meetings of the Housing and Planning Scrutiny Select Committee held on 14 December 2023 and 31 January 2024 respectively be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 24/9 EMPTY HOMES

The report of the Director of Planning, Housing and Environmental Health provided an update on the current position in respect of empty homes in the borough, outlined a new Local Government Association (LGA) report on dealing with empty homes and recommended the introduction of a new Empty Homes Officer post.

Members were reminded that 'improving housing options for local people, whilst protecting outdoor areas' was a key priority for the Borough Council and bringing empty homes back into use played an important part within this priority. It was reported that as at 7 February

2024 there were 950 empty homes within the borough although it was important to note that there were two developments/sites accounting for approximately 120 of these, one of which should soon not appear on the list due to demolition.

Attention was drawn to the LGA report which aimed to inform, educate and support all councils irrespective of their current levels of resource and activity on empty homes. The key points and recommendations arising from the LGA report were detailed and summarised in 1.2.2 and 1.2.3. Due regard was also given to the recommendation that councils should consider opportunities to employ a dedicated resource where possible.

Concern was expressed at the number of empty properties within the borough and Members recognised the importance of adopting measures to get these back into use. However, it was also noted that the number of empty properties within Tonbridge and Malling was comparable to similar sized local authorities. There was also detailed discussion on the powers available to local authorities to tackle the longer-term empty properties and it was explained that legislation such as Compulsory Purchase Orders and Enforced Sale could be complex and challenging. It was recognised that there were many reasons why properties remained empty and it was hoped that the engagement of a dedicated resource would enable the Borough Council to explore a number of options to address empty homes, including incentives for tenants to downsize.

The Committee welcomed the establishment of a fixed term Empty Homes Officer post to focus attention, monitor progress and consider a longer-term approach, and supported the recommendation set out in 1.3.2. The financial and value for money considerations detailed in 1.5 were noted and Members supported the creation of a budget of £30,000 to fund work that enabled the facilitation of empty homes being brought back into use. The total cost of the Empty Homes Officer post (estimated at £91,000) and the empty homes budget was circa £121,000 which could be funded from the Housing Assistance Reserve.

Finally, Members supported the suggestion that progress in respect of empty properties should be reviewed and monitored as part of the Key Performance Indicators.

***RECOMMENDED:** That it be commended to Cabinet that

- (1) a two-year fixed-term post of Empty Homes Officer be established;
- (2) the cost of the post (£91,000) and empty homes budget (£30,000) be taken from the Housing Assistance Reserve; and

- (3) the Local Government Association report on empty homes be noted and that this approach be utilised as the basis for the fixed term Empty Officers' work programme.

***Recommended to Cabinet**

HP 24/10 NATIONAL PLANNING POLICY LEGISLATION UPDATE

The report of the Director of Planning, Housing and Environmental Health set out the key changes to planning policy legislation resulting from the Levelling Up and Regeneration Act (LURA) 2023 and the National Planning Policy Framework (NPPF) in December 2023 and outlined the implications for the development of the Local Plan.

Key changes to the plan-making system, planning data requirements and confirmation of the new Infrastructure Levy were introduced by the LURA. However, detailed implications for the Local Plan depended on the timing and content of secondary legislation, regulations and forthcoming best practice. Unlike the LURA, the changes introduced in the 2023 NPPF (detailed in Annex 1) applied from the date of publication and the key changes and implications were set out in 1.3 of the report.

Members noted that a duty to prepare a 'local plan timetable' replaced the existing Local Development Scheme (LDS); the requirement for the authority to set out proposals to meet requirements related to design codes and the new powers allowing the Secretary of State to prepare the timetable, make amendments and direct the authority to bring them into effect. The 'duty to co-operate' was to be replaced by a new alignment policy which was subject to further detail through secondary legislation and guidance.

With regard to the Local Plan, the policy environment had not changed as fundamentally as was previously indicated in the December 2022 consultation. The requirement to work with neighbouring authorities to deliver housing requirements remained. Whilst there was no specific requirement to review Green Belt boundaries to meet needs it was important for the purposes of good planning that 'exceptional circumstances' reasons were explored robustly now. The Local Plan had to clearly demonstrate how local housing need would be met and clear evidence had to be supplied.

In summary, whilst the government proposed to introduce new transitional arrangements to the new plan making system, the current transitional date remained and this meant that the Borough Council had to submit the Local Plan to the Secretary of State by June 2025. However, this would only be formally confirmed when further regulations had gone through the relevant parliamentary process. Therefore, delivery of the Local Plan remained a significant risk and an updated

Risk Register was attached as Annex 2. The potential risk of changing legislation following a Parliamentary Election was also recognised.

In conclusion, the Regulation 18b Local Plan would be presented to Members in May/June 2024. Evidence within the Stage 2 Green Belt Study, Housing Constraints Assessment and Housing Market Delivery Study would be utilised to develop an appropriate sustainable spatial strategy to meet as much of the objectively assessed need as possible.

***RECOMMENDED:** That it be commended to Cabinet that

- (1) the contents of the report be noted; and
- (2) the approach to the Local Plan preparation matters be approved as set out in the report.

***Recommended to Cabinet**

HP 24/11 TEMPORARY ACCOMMODATION AND HOMELESSNESS CONSULTANCY REVIEW

An update was provided on a recent consultancy review of temporary accommodation and homelessness. A copy of the consultant's report was attached at Annex 1. Agreement was also sought to implement the recommendations set out in the Action Plan, attached at Annex 2.

Members were pleased that significant progress had been made by the Housing Team since the last review and welcomed the reduction of households in temporary accommodation at a time when almost all other local authorities had seen an increase. The significant progress made on prevention work was highlighted and the Borough Councils temporary accommodation rate per 1,000 households was now below the South East and all England average.

However, it was also reported that given the continued demands on homelessness services and the need for temporary accommodation, the Borough Council would be unable to continue to manage the temporary accommodation numbers without the service working at maximum efficiency and effectiveness. Members were reassured that due regard would continue to be given to local support networks, caring and educational needs when reviewing cases.

The Action Plan (Annex 2) brought together a number of recommendations to renew focus and practice and to ensure that demand could be managed. The Committee recognised that if the recommendations detailed in the report were not fully implemented there was a risk that numbers in temporary accommodation would increase more than they would have otherwise thus having a negative impact on the authorities finances.

Finally, the Cabinet Member for Finance and Housing recorded appreciation to staff within Housing Services for the significant progress made.

***RECOMMENDED:** That it be commended to Cabinet that

- (1) the Temporary Accommodation and Homelessness Service Review report (attached at Annex 1) be noted; and
- (2) the Action Plan (attached at Annex 2) be approved.

***Recommended to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

HP 24/12 BIODIVERSITY DUTY

Members received and noted the Biodiversity Duty First Consideration Report (attached at Annex 1) which set out how the Borough Council complied with its statutory duty to conserve and enhance biodiversity (habitats and species).

A summary of the current work and/or action contributing to the biodiversity duty was provided in Annex 1. It was also noted that this was a corporate responsibility that was relevant to all Services, actions and decision making.

The Committee was also advised that a Green Infrastructure Strategy setting out potential for bio-diversity net gains on Borough Council owned land would be developed in due course.

HP 24/13 NATIONAL PLANNING FEE INCREASE

Members noted that the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023 came into force on 6 December 2023 and laid legislation to increase planning fees.

The regulations increased planning application fees by 35% for applications for major development and 25% for all other applications, introduced an annual indexation for planning application fees (capped at 10% from 1 April 2025), removed fee exemption for repeat applications, reduced the Planning Guarantee for non-major planning applications from 26 to 16 weeks and introduced a new prior approval fee of £120 for applications for development by the Crown on closed defence sites.

Members welcomed the introduction of an annual increase from 1 April 2025 as previously fees only rose when the regulations were amended and this was last done in 2018.

The main risks to the Borough Council following the introduction of the new Regulations, together with identified mitigation measures, were outlined in 1.4 and noted by the Committee.

HP 24/14 PLANNING APPEAL COSTS

Following a request from the Scrutiny Select Committee, information in respect of the amount spent on appeals was presented. The report focused on what awards of costs had been made against the Borough Council and how much had been paid out since 2021.

In summary, there had been 11 cost decisions awarded against the Borough Council for unreasonable behaviour during 2021. There had also been 7 cost decisions refused where it was found that Tonbridge and Malling had not acted unreasonably. To provide further context, since 1 January 2021 there had been 131 appeal decisions received with 48 allowed, 76 dismissed and 7 withdrawn.

HP 24/15 HOUSING ALLOCATIONS UPDATE

Following a request from the Scrutiny Select Committee, an update was provided on the Borough Councils new Housing Allocations Scheme which was implemented in June 2023.

The key statistics noted by Members as detailed in 1.2.3 and updated by the Director of Planning, Housing and Environmental Health were:

- 921 applications submitted where applicants had advised all actions had been completed.
- 804 households submitted applications but not completed their actions and would likely be removed if that information was not supplied.
- 162 live applications on the housing register.
- 1,131 households assessed and removed for failing to supply documents or not meeting the allocations criteria.
- 67 households submitted a pre-assessment but not completed a full housing register application.

Members noted that the number of households already removed was significantly higher than the number of live housing applications on the housing register. The revised assessment criteria had been introduced to ensure best use of limited social housing stock and had been part of engagement sessions prior to the Housing Allocations Scheme being presented for Member approval.

Concern was also expressed that many applicants appeared to experiencing difficulties when submitting applications and associated documents. Members were assured that the software was used by many organisations and should look familiar to users. However, alternative ways of submitting applications continued to be offered with staff being available to upload documents on applicants behalf. The value of a face-to-face workshop to assist people with submitting applications could also be explored in liaison with community organisations. In the meantime, if there were any specific cases that Members were aware of, they were asked to notify the Housing Service so that assistance could be offered.

Finally, it was reported that the housing allocations position and progress was closely monitored by senior officers, in liaison with the Cabinet Member for Finance and Housing, and it was suggested that regular updates in relation to the key statistics be circulated to Members.

In closing, the Cabinet Member for Finance and Housing indicated that many applicants had successfully navigated the new system and this enabled the Service to prioritise applications appropriately.

HP 24/16 CORPORATE KEY PERFORMANCE INDICATORS

Members received a list of Key Performance Indicators (KPIs) that were aligned to the Corporate Strategy 2023-27 and monitored on a quarterly or annual basis. The data provided in the report of the Interim Chief Executive related to the period up to the end of December 2023.

HP 24/17 WORK PROGRAMME 2024-25

The Work Programme setting out matters to be scrutinised during 2024/25 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 24/18 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.32 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Planning	Decision Number: D240014MEM
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Date: 5 February 2024

Decision(s) and Reason(s)
KCC DRAFT PRE-SUBMISSION KENT MINERALS AND WASTE LOCAL PLAN (KMWLP) 2024 – 2039 (REGULATION 19) CONSULTATION RESPONSE
Following consideration of the KCC Draft Pre-Submission Kent Minerals and Waste Local Plan (KMWLP) 2024 – 2039 (Regulation 19) consultation, the Cabinet Member for Planning RESOLVED that: (1) The recommended Officer response [as set out in the Briefing Note] be submitted to KCC on behalf of Tonbridge and Malling Borough Council as its formal response to the consultation.
Reasons for decision: As detailed in the Briefing Note.

Signed Cabinet Member for Planning:	M Taylor
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	6 February 2024

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

Decision Taken By: Cabinet Member for Finance and Housing	Decision Number: D240015MEM
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Date: 6 February 2024

Decision(s) and Reason(s)
RURAL RATE RELIEF – RURAL SETTLEMENT LIST
Following a review of the rural settlement list, the Cabinet Member for Finance and Housing RESOLVED that: (1) the current rural settlement list (attached in the Annex) should remain in force for the year 2024/25.
Reasons for decision: There have been no suggestions for amendment of the list. There is also no suggestion of there being any problems arising from the definitions of the rural settlements in the current list.

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	7 February 2024

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 Transformation and Infrastructure	Decision No: D240016MEM
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Date: 07 February 2024

<p>Decision(s) and Reason(s)</p> <p>Fixed Penalty Notices - Littering & Fly Tipping Offences</p> <p>(Report of Director of Street Scene, Leisure and Technical Services)</p> <p>The report proposed Fixed Penalty Notice levels for littering and fly tipping for consideration. In July 2023, as part of its Anti-Social Behaviour Action Plan, the UK Government laid down a Statutory Instrument to increase the levels of Fixed Penalty Notices for littering and fly tipping and guidance confirmed that the fees should be set at an appropriate level to reflect local circumstances, including local ability to pay. The Council's current level of fees was set at the previous maximum amounts as set by Government.</p> <p>Consideration was given to the options outlined in the report and it was noted that if two levels of Fixed Penalty Notice charges for littering were created, this would ensure that the maximum deterrent was available to the Council whilst retaining the ability to take into account the severity of the offence, impact on the environment and the relative cost to the taxpayer of clearing up the litter/fly tip. Furthermore, two levels of Fixed Penalty Notices for littering offences would also ensure that the consequences were proportionate to the offence, as per the Council's Corporate Enforcement Policy.</p> <p>Following consideration by the Communities and Environment Scrutiny Select Committee, the Cabinet Member for Transformation and Infrastructure resolved that:</p> <p>(1) two levels of Fixed Penalty Notice charges for littering be introduced and that the one level of charges for fly tipping be retained, with an increase in charges as set out in Option 4 at 1.4.4 of the report.</p> <p>Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 7 February 2024.</p>

Signed Cabinet Member for Transformation and Infrastructure:	M Coffin
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Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	9 February 2024

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

Decision Taken By:
Cabinet Member for Community Services

Decision No:
D240017MEM

Date: 07 February 2024

Decision(s) and Reason(s)

Consultation Draft - Tonbridge Racecourse Sportsground Management Plan

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

The report presented a draft Management Plan for Tonbridge Racecourse Sportsground and sought Member comment prior to formal public consultation.

Members noted that the existing five-year Management Plan expired in December 2023, and therefore needed to be reviewed and updated for the next five years. The draft Plan was intended to provide guidance and direction for the management of the Sportsground and be used to inform future maintenance and development of the site.

Particular reference was made to the Plan having been developed in line with the criteria of the Green Flag Award, a national standard for parks and open spaces, and Members noted that a section of the Plan dealt specifically with environmental management of the site which was a key criterion for the Award.

Following consideration by the Communities and Environment Scrutiny Select Committee, the Cabinet Member for Community Services resolved that:

- (1) the draft Tonbridge Racecourse Sportsground Management Plan, attached at Annex 1, be taken forward for public consultation.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 7 February 2024.

Signed Cabinet Member for Community Services:	D Keers
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	9 February 2024

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

Decision Taken By:
Cabinet Member for Community Services

Decision No:
D240018MEM

Date: 07 February 2024

Decision(s) and Reason(s)

Taddington Valley - Woodland Management Plan

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

The report brought forward comments received as part of the public consultation exercise on the draft Taddington Valley Woodland Management Plan. The draft Plan was intended to provide guidance and direction for all aspects of the management of the woodland and be used to inform future maintenance and development of the site.

Members of the Communities and Environment Scrutiny Select Committee were invited to consider the responses and any proposed amendments to enable the Plan to be submitted to the Forestry Commission for approval.

Particular reference was made to the core part of the Plan which was the nature recovery by regeneration of the woodland using coppicing and pollarding of trees where appropriate, however the Plan also covered many aspects of the site's management including community engagement.

Following consideration by the Communities and Environment Scrutiny Select Committee, the Cabinet Member for Community Services resolved that:

- (1) the draft Taddington Valley Woodland Management Plan, attached at Annex 1, be submitted to the Forestry Commission for formal adoption, subject to the incorporation of the proposed amendments listed at Annex 3 to the report.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 7 February 2024.

Signed Cabinet Member for Community Services:	D Keers
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	9 February 2024

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

Decision Taken By: Cabinet Member for Community Services	Decision Number: D240019MEM
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Date: 12 February 2024

Decision(s) and Reason(s)
COMMUNITY WORKER FOR EAST MALLING AND LARKFIELD
Following consideration of the options, detailed in the Cabinet Member Reasons Report (attached at Annex 1), the Cabinet Member for Community Services, RESOLVED that: (1) the report be noted; and (2) that a further 2-year Service Level Agreement to deliver community support in the East Malling and Larkfield area be agreed at £8,000 per year for two years.
Reasons for decision: Supporting the funding of the Community Worker post, attracts additional investment from partner organisations and helps meet the Council's objective to support vulnerable people in more deprived communities.

Signed Cabinet Member for Community Services:	D Keers
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	12 February 2024

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: D240020CAB
Decision Type: Key
Date: 13 February 2024

Decision(s) and Reason(s)

Recycling Bring Sites

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

Consideration was given to recommendation CE 24/4 of the Communities and Environment Scrutiny Select Committee of 7 February 2024 in respect of arrangements for recycling bring sites.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that, in terms of cost per tonne of recyclate, the collection of glass, plastics paper and card and cans from the kerbside provided better value for money than collection from bring sites.

RESOLVED: That all remaining sites be removed due to the reasons detailed at section 1.2 of the report.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 7 February 2024.

Signed Leader: M Boughton

Signed Interim Deputy Chief Executive: S Sharon

Date of publication: 15 February 2024

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: D240021CAB
Decision Type: Non Key
Date: 13 February 2024

Decision(s) and Reason(s)

Discount Sale Affordable Home Ownership Policy

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

Approval was sought for a new policy outlining the Borough Council's approach to affordable home ownership properties under the Discount Open Market Value and First Homes Schemes. The Policy (attached at Annex 1) set out eligibility criteria for affordable home ownership including local connection and outlined the process for sales.

Careful consideration was given to the local criteria and approach (outlined in 1.2) proposed, the financial and value for money considerations and legal implications. On the grounds that a Policy would help formalise the Borough Council's approach to discount home ownership sales and prioritise homes towards meeting local need, the Cabinet Member for Finance and Housing welcomed the Policy set out at Annex 1. This initiative was supported by the Cabinet.

RESOLVED: That

- (1) the Discounted Sale Affordable Homes Policy be approved and adopted; and
- (2) delegated authority given to the Director of Planning, Housing and Environmental Health, in liaison with the Cabinet Member for Finance and Housing, to approve any minor changes to the Policy and related or supporting documents (such as procedure).

Reasons: As set out in the report submitted to Cabinet on 13 February 2024.

Signed Leader:

M Boughton

Signed Interim Deputy Chief Executive:

S Shelton

Date of publication:

15 February 2024

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: D240022CAB
Decision Type: Non Key
Date: 13 February 2024

Decision(s) and Reason(s)

Climate Change Gap Analysis of progress towards Carbon Neutral 2030

Consideration was given to recommendation OS 24/11 of the Overview and Scrutiny Committee of 25 January 2024 in respect of the progress being made towards Carbon Neutral 2030.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that whilst good progress had initially been made by the Borough Council in reducing emissions the total emissions from the organisations estate and operations were no longer reducing. The difficulties associated with achieving carbon neutral by 2030 were also recognised.

RESOLVED: That

- (1) climate change be included as a mandatory heading for all Committee and Scrutiny Select Committee report templates (as set out in 1.3.5 to 1.3.8);
- (2) an assessment of the potential of each Directorate and Portfolio to contribute to achieving carbon neutral by 2030 should be carried out (as set out in 1.3.9 and 1.3.10);
- (3) the 2024/25 climate change action plan be prepared with significant further ambition and new commitments (as set out in 1.3.11); and
- (4) the corporate climate change function support teams in the delivery of recommended actions.

Reasons: As set out in the report submitted to the Overview and Scrutiny Committee of 25 January 2025.

Signed Leader:

M Boughton

Signed Interim Deputy Chief Executive:

S Shelton

Date of publication:

15 February 2024

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: D240023CAB
Decision Type: Non Key
Date: 13 February 2024

Decision(s) and Reason(s)

Review of Pest Control Service

Consideration was given to recommendation CE 24/6 of the Communities and Environment Scrutiny Select Committee of 7 February 2024 in respect of the pest control service.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that whilst there was no statutory requirement to provide a pest control service this had to be balanced with the needs of residents, especially the availability of subsidised treatments to assist vulnerable households. On the grounds of ensuring value for money and appropriate budget setting given the Borough Council's financial position, Cllr Boughton proposed that expenditure should be up to the current budget subsidy identified. This was seconded by Cllr Coffin and supported by the Cabinet.

Finally, the Director of Planning, Housing and Environmental Health committed to exploring all options to ensure that service efficiencies were identified and that the process was easy to access.

RESOLVED: That

- (1) a pest control service where residents could be referred too and agreed treatments subsidised for those in receipt of Council Tax Reduction up to the current budget subsidy from November 2024 (Option 3) be tendered for; and
- (2) delegated authority be given to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Climate Change, Regeneration and Property should a tender be unsuccessful.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 7 February 2024.

Signed Leader: M Boughton

Signed Interim Deputy Chief Executive: S Shelton

Date of publication: 15 February 2024

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

Decision Taken By: Cabinet Member for Planning	Decision Number: D240024MEM
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Date: 28 February 2024

Decision(s) and Reason(s)
PLANNING BACKLOG AND DIGITAL TRANSFORMATION PREPARATION RESOURCE
Following consideration of a number of options to address the backlog being experienced in Development Management, the Cabinet Member for Planning RESOLVED that: (1) £73,987 from the Budget Stabilisation Reserve be utilised to retain temporary staffing resource until the end of June 2024.
Reasons for decision: To reduce backlogs in validation and decision issuing in Development Management. To ensure service readiness for the next stages of digital transformation.

Signed Cabinet Member for Planning	M Taylor
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	29 February 2024

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

Decision Taken By:
Cabinet Member for Community Services

Decision Number:
D240025MEM

Date: 29 February 2024

Decision(s) and Reason(s)

ANTI-SOCIAL BEHAVIOUR ENFORCEMENT TEAM

Following consideration of a number of options as discussed at Management Team on 24 October 2023 and at Informal Cabinet on 7 November 2023, the Cabinet Member for Community Services RESOLVED that:

- (1) TMS be used for this contract of providing an Anti-Social behaviour team to work across Tonbridge and Malling Council Borough from 1st April 2024 until 30th September 2024.

Reasons for decision:

Background

TMBC sent out an Invitation to quote to for an Anti-Social Behaviour Enforcement Team on the 9th January 2024, for returns to be made by the 23rd February 2024, with the target date for the contract to start on the 1st of April 2024 until the end of September 2024.

We invited twelve security/enforcement companies to quote for this this enforcement work. Eleven of these companies had all shown an interest and applied to undertake the security/caretaking contract at Tonbridge Castle in 2022.

Response

Three companies have been in contact with TMBC to show interest in the ASB Enforcement Team contract, however **only one company applied to undertake this work.**

As part of the procurement, companies were asked if they have accreditation Under the Community Safety Accreditation Scheme (CSAS) by Kent Police to enable their officers to have the power to request name and address, Power to seize alcohol, Power to deal with begging, and Power to stop a moving vehicle.

The company that did submit a quote is TMS, who have worked for TMBC before, and are currently undertaking ASB enforcement work with Bromley and Swale Council. They hold accreditation Under the Community Safety Accreditation Scheme (CSAS) by Kent Police.

Costs

The cost will be **£56,758** for One Supervisor and two Officers; a vehicle with a rate per mile of 45p; and 5 hours admin support per week (to manage and provide BWV footage, data capture and provide supporting evidence of FPN's to the client) at £88 per week.

Signed Cabinet Member for Community Services:	D Keers
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	1 March 2024

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 Transformation and Infrastructure	Decision No: D240026MEM
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Date: 04 March 2024

<p>Decision(s) and Reason(s)</p> <p>Kings Hill Parking Review</p> <p>(Report of Director of Street Scene, Leisure and Technical Services)</p> <p>Members received an update on the outcome of the recent formal consultation on a parking review for Kings Hill. A large number of responses had been received and these were detailed in the report.</p> <p>It was also recognised that the proposals were based on the principles of the Highway Code and were intended to maintain access through the estate in a safe manner for residents, public transport providers and emergency services.</p> <p>Following consideration by the Joint Transportation Board, the Cabinet Member for Transformation and Infrastructure resolved that:</p> <p>(1) the proposed restrictions be introduced as advertised, with the omission of the restrictions on Regent Way and Pearl Way.</p> <p>Reasons: As set out in the report submitted to the Joint Transportation Board of 4 March 2024.</p>

Signed Cabinet Member for Transformation and Infrastructure	M Coffin
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	6 March 2024

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: D240027MEM

Date: 04 March 2024

Decision(s) and Reason(s)

Parking Action Plan - Phase 14

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

The report covered the formal consultation stage of the parking restriction proposals contained in Phase 14 of the Parking Action Plan and sought approval to implement the changes.

Following the meeting of the Joint Transportation Board in June 2023, investigations into proposed changes were undertaken at 32 sites across the Borough. The proposals were then reported back to the Joint Transportation Board in September 2023, where it was decided that 17 locations should proceed to formal consultation and invitation of objections. A list of all the locations, the issues raised and a recommendation for each was attached at Annex 1. A location summary and a more detailed response rate, analysis and recommendation was attached at Annex 2.

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

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

- (1) the recommendations in respect of Ph 14-01 to 14-06, 14-08, 14-10 to 14-31 for Phase 14, as set out in Annex 1 to the report, be adopted and where appropriate the proposals be implemented; and
- (2) the views of local members having been sought; the following recommendations be adopted:
 - (i) Ph 14-07 (Cottenham Close, East Malling) the proposal be amended to reduce the proposed extended double yellow lines, so as to start on both sides from the rear boundary of No. 1 Cottenham Close;
 - (ii) Ph 14-09 (Branbridges Industrial Estate (south of roundabout), East Peckham) the proposals be abandoned; and
 - (iii) Ph14-32 (West Street, Wrotham) the proposal be taken forward.

Reasons: As set out in the report submitted to the Joint Transportation Board of 4 March 2024.

Signed Cabinet Member for Transformation and Infrastructure	M Coffin
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	6 March 2024

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:
D240028MEM

Date: 04 March 2024

Decision(s) and Reason(s)

Parking Action Plan - Access Group 8

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

The report covered the formal consultation on proposals in Access Group 8, a subset of the Parking Action Plan where the Council had applied a streamline process for the consideration and promotion of minor changes to the Traffic Regulation Order.

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

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

- (1) the recommendations for each location in Access Group 8, shown in Annex 1, be adopted and where appropriate the proposals be implemented.

Reasons: As set out in the report submitted to the Joint Transportation Board of 4 March 2024.

Signed Cabinet Member for Transformation and Infrastructure	M Coffin
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	6 March 2024

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: D240029CAB

Decision Type: Non Key

Date: 05 March 2024

Decision(s) and Reason(s)

Windmill Lane Gypsy and Traveller Site

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

(Joint Report of the Director of Planning, Housing and Environmental Health and Interim Chief Executive)

Careful consideration was given to options in respect of the future management arrangement of the Windmill Lane Gypsy and Traveller site following transfer of the management of the site from Kent County Council to the Borough Council on 31 March 2024.

RESOLVED: That

- (1) in principle, subject to a legal position being agreed, the management of the Windmill Lane Gypsy and Traveller site be carried out by Kent County Council during the 2024/25 financial year;
- (2) the one-year management cost for 2024/25 be funded from Budget Stabilisation;
- (3) authority be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Finance and Housing, to conclude negotiations on the management agreement; and
- (4) it be noted that Kent County Council's ongoing review of asset management meant that options for management beyond this 12-month period would need to be fully explored and presented to Members again in a timely manner to ensure that appropriate arrangements would be in place for management of the Windmill Lane site from 1 April 2025.

Reasons: As set out in the report submitted to Cabinet of 5 March 2024 (contains exempt information).

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 6 March 2024

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

Decision Taken By: Cabinet Member for Planning	Decision Number: D240030MEM
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Date: xx March 2024

Decision(s) and Reason(s)
REGULATION 18B CONSULTATION – REQUEST TO EXTEND HOURS OF PRINCIPAL PLANNING OFFICER (PPO) AND INTERIM PLANNING POLICY MANAGER
Following consideration of the request, the Cabinet Member for Planning RESOLVED that: (1) the Local Plan Reserve be utilised to fill the funding gap in order to meet the cost required for both of the extensions as set out below.
Reasons for decision: The Interim Planning Policy Manager is currently working 20 hours per week as cover until a permanent replacement can be employed. Given the impending timeframe for the Regulation 18b Local Plan, there is a need to increase these hours up to a maximum of 32 hours until August 2024. These hours will be worked flexibly given the existing commitments of the Interim Planning Policy Manager. There is also a need to increase the hours of the part time PPO. The PPO currently works 28 hours and has requested an additional 4 hours to manage current workloads. It is requested that this temporary arrangement be in place until 23 October 2024. The above request can be jointly funded by the current vacant establishment posts of the Principal Planning Officer and Planning Policy Manager. There is also a need to draw some of the funding from the Local Plan Reserve, although this only accounts for a small amount of the funding required.

Signed Cabinet Member for Planning:	M Taylor
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	

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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

Decision Taken By: Cabinet Member Finance and Housing	Decision Number: D240031MEM
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Date: 18 March 2024

Decision(s) and Reason(s)
AGILE – ENHANCEMENTS PROJECT
Following consideration of the reasons set out below, the Cabinet Member for Finance and Housing, RESOLVED that: (1) the use of £74,460 from the Invest to Save Reserve to fund project costs to deliver enhanced functionality in the Agile operating system be approved; and (2) the use of the Borough Council’s standard consultancy contract to ensure delivery within budget and agreed timescales be endorsed.
Reasons for decision: (1) To improve service efficiency through automation, redaction and document management (2) To ensure compliance with GDPR requirements (3) To improve customer experience

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	20 March 2024

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

Decision Taken By: Cabinet Member for Transformation and Infrastructure	Decision Number: D240032MEM
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Date: 19 March 2024

Decision(s) and Reason(s)
THE USE OF PART THE SOVEREIGN WAY (NORTH) CAR PARK TO ALLOW THE OPERATION OF A MOBILE NHS VACCINATION UNIT
The Cabinet Member for Transformation and Infrastructure resolved that: (1) The NHS be granted consent to occupy a small area (approximately 300 sqm) of Sovereign Way North car park for the operation of a mobile covid vaccination unit at no charge.
Reasons for decision: Tonbridge and Malling Borough Council have previously successfully supported the vaccination programme in Tonbridge. The on-going support to the NHS is required to improve and enhance the vaccination booster programme for residents of Tonbridge.

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	20 March 2024

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

- Minutes of the Licensing and Appeals Committee held on 26 March 2024 are *'to follow'*

- Minutes of the Area 1 Planning Committee held on 28 March 2024 are *'to follow'*

