

# TONBRIDGE AND MALLING BOROUGH COUNCIL

## CABINET

## MINUTES

Tuesday, 4th June, 2024

**Present:** Cllr M A Coffin (Vice-Chair, in the Chair), Cllr D Keers, Cllr K B Tanner and Cllr M Taylor.

Cllrs Mrs A S Oakley\* and M R Rhodes\* were also present pursuant to Access to Information Rule No 23.

(\*participated via MS Teams)

An apology for absence was received from Councillor M D Boughton (Chair).

### PART 1 - PUBLIC

#### **CB 24/61 DECLARATIONS OF INTEREST**

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

#### **CB 24/62 MINUTES**

**RESOLVED:** That the Minutes of the ordinary and extraordinary meetings of the Cabinet held on 2 April and 30 April 2024 respectively be approved as a correct record and signed by the Chairman.

### MATTERS SUBMITTED FOR INFORMATION

#### **CB 24/63 MINUTES OF PANELS, BOARDS AND OTHER GROUPS**

The Minutes of the Tonbridge Community Forum of 20 May 2024 were received and noted.

#### **CB 24/64 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.

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

### **EXECUTIVE NON-KEY DECISIONS**

#### **CB 24/65 HOUSING ASSOCIATION PERFORMANCE FRAMEWORK**

(Decision Notice D240057CAB)

Consideration was given to recommendation OS 24/20 of the Overview and Scrutiny Select Committee of 4 April 2024 in respect of a housing association performance framework.

Cabinet had due regard to the views of the Committee, the financial and value for money considerations and legal implications and welcomed the opportunity to monitor the performance of registered providers so that potential impacts on the activity and residents could be assessed.

**RESOLVED:** That the Housing Association Performance Framework be adopted.

#### **CB 24/66 RISK MANAGEMENT**

(Decision Notice: D240058CAB)

Consideration was given to recommendation AU 24/14 of the Audit Committee of 15 April 2024 in respect of risk management and the Strategic Risk Register (SRR).

Cabinet had due regard to the views of the Committee, the financial and value for money considerations and the legal implications and noted that the number of 'red' risks on the SRR had reduced to 4 as set out below:

- Savings and Transformation Strategy
- Local Plan
- Implementation of Agile Software
- Procurement

**RESOLVED:** That

- (1) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as 'RED' be noted; and
- (2) the general positive 'direction of travel' be noted.

**CB 24/67 TREE ENFORCEMENT PROTOCOL AND TREE PRESERVATION ORDER**

(Decision Notice: D240059CAB)

Consideration was given to recommendation HP 24/23 of the Housing and Planning Scrutiny Select Committee of 21 May 2024 in respect of Tree Enforcement and Tree Preservation Order (TPO) Protocols.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations, the legal implications and noted the measures proposed in reducing and monitoring the backlog of outstanding TPOs and improving communication and engagement between Officers and local Members.

**RESOLVED:** That

- (1) the Tree Enforcement Protocol (Annex 1) be adopted; and
- (2) the Tree Preservation Order Protocol (Annex 2) be adopted, subject to the approach on informal communications between Members and Officers being detailed.

**CB 24/68 LOCAL PLAN - DUTY TO CO-OPERATE UPDATE**

(Decision Notice: D240060CAB)

Consideration was given to recommendation HP 24/24 of the Housing and Planning Scrutiny Select Committee of 21 May 2024 in respect of the Local Plan and the legal obligations of the duty to co-operate and partnership working.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations, the legal implications and noted that the Duty to Co-operate was a legal requirement on local planning authorities to engage with other relevant authorities and bodies constructively, actively and on an ongoing basis in relation to strategic planning matters.

The Cabinet Member for Planning (Cllr Taylor) observed that lessons had been learnt from previous experience in respect of demonstrating co-operation with neighbouring authorities.

**RESOLVED:** That the contents of the report and the legal requirement regarding the Duty to Co-operate as part of the Local Plan process be noted.

**CB 24/69 TRANSFER INCENTIVE SCHEME**

(Decision Notice: D240061CAB)

Consideration was given to recommendation HP 24/25 of the Housing and Planning Scrutiny Select Committee of 21 May 2024 in respect of proposals for a new transfer incentive scheme policy to assist with making best use of existing housing stock.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations, the legal implications and recognised that a financial incentive might not be the only factor in encouraging tenants to downsize. The Borough Council would work with relevant housing providers and other agencies to offer support where required.

**RESOLVED:** That the Transfer Incentive Scheme (at Annex 1) be approved.

**CB 24/70 GRAFFITI UPDATE**

(Decision Notice: D240062CAB)

Consideration was given to recommendation CE 24/16 of the Communities and Environment Scrutiny Select Committee of 22 May 2024 in respect of tackling graffiti in the Borough and the development of a graffiti policy.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations, the legal implications and noted the lack of evidence proving the effectiveness of graffiti walls in reducing incidents of illegal tagging in the area.

The draft Graffiti Policy (attached at Annex 2) clarified the responsibilities related to graffiti clearance.

**RESOLVED:** That

- (1) the Graffiti Policy (attached at Annex 2) be adopted; and
- (2) the report and the lack of evidence of the effectiveness of graffiti walls to reduce illegal tagging be noted.

**CB 24/71 CORPORATE STRATEGY ACTION PLAN**

(Decision Notice: D240063CAB)

The report of the Interim Chief Executive provided an update on the progress being made in delivering the priority actions set out in the

Corporate Strategy Action Plan 2023/24 (attached at Annex 1) and presented an Action Plan for 2024/25 (attached at Annex 2) for approval.

The Corporate Strategy Action Plan demonstrated how the Borough Council aimed to deliver on its key priorities as set out in the Corporate Strategy 2023-27. To avoid any reputational risk if the Borough Council failed to deliver the actions identified it was important that the Plan was regularly monitored to ensure progress was being made. Regular updates would be provided setting out progress on the Action Plan 2024/25 if it was approved.

Despite a number of positive steps being undertaken in 2023/24, as detailed in 1.3.1 of the report, the majority of actions remained ongoing and these would appear in the Action Plan for 2024/25. Additional actions which had increased priority over the course of the past year had also been identified for the new Plan. These were detailed in 1.4.1 of the report and included improvements to the procurement function, implementation of Biodiversity Net Gain and Green Infrastructure Strategies.

Cabinet recorded appreciation to officers for the significant amount of work undertaken over the year and for the success in securing the Decarbonisation Grants

**RESOLVED:** That

- (1) the report be noted and the Corporate Strategy Action 2023/24 (attached at Annex 1) be noted; and
- (2) the Corporate Strategy Action Plan 2024/25 (attached at Annex 2) be approved.

**CB 24/72 TONBRIDGE TOWN CENTRE PROGRAMME BOARD - TERMS OF REFERENCE**

(Decision Notice: D240064CAB)

Consideration was given to the proposed Terms of Reference (ToR) (attached at Annex A) for the newly established Tonbridge Town Centre Programme Board. It was essential for any board supporting a wide ranging and complex programme of work that clear and concise terms of reference were set out to facilitate efficient and effective decision making.

The proposed ToR detailed the responsibilities of the Programme Board, its Membership and frequency of meetings. Due to the nature of the information being considered by the Board all items, including agendas, reports and minutes, would be confidential. This was supported by the Cabinet as it enabled the Board to reach considered recommendations

in private and offered reassurance to partners and third parties with whom the Borough Council might be working closely with.

However, the Board would not have any decision-making powers and would make recommendations on Key Decisions to Cabinet directly or via the Finance, Regeneration and Property Scrutiny Select Committee. In accordance with the Borough Council's Constitution, Cabinet Members would be able to take Non-Key Decisions related to their portfolios, whilst any recommendations on non-executive matters would be referred to Council.

Cabinet welcomed the establishment of a Programme Board, the engagement of a dedicated Programme Board Manager and the clarification in respect of confidentiality.

**RESOLVED:** That the Terms of Reference for the Tonbridge Town Centre Programme Board (attached at Annex A) be approved.

### **EXECUTIVE KEY DECISIONS**

#### **CB 24/73 ADOPTION OF THE HIGH WEALD NATIONAL LANDSCAPE AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN 2024 - 2029**

(Decision Notice: D240065CAB)

The report of the Director of Planning, Housing and Environmental Health outlined the process through which the High Weald National Landscape Area of Outstanding Natural Beauty (AONB) Management Plan 2024/29 had been prepared and recommended its adoption. Tonbridge and Malling contained a small area of this AONB to the south of Tonbridge which accounted for less than 1% of the total area.

The Management Plan was a statutory policy document for the whole of the protected landscape and guided local authorities plan and decision making. It also set a 20-year strategy for everyone who lived in, worked in or visited the High Weald and set out the management policy for conservation and enhancement.

Under the terms of the Countryside and Rights of Way Act (CRoW) 2000 (part IV Section 89), the Borough Council and other local authorities within the AONBs had a statutory duty to act jointly to prepare and review the Management Plans. Details of the review process and external consultation undertaken were set out in 1.2.3 of the report.

Cabinet had due regard to the financial and value for considerations and legal implications and noted that failure to adopt the High Weald AONB Management Plan would mean that the Borough Council would be in breach of the CRoW Act 2000, which could lead to funding sanctions from Natural England. It was also noted that the agreed Tonbridge and

Malling financial contribution for the High Weald Joint Advisory Committee for the next three years from 2024/25 was £1545.

**RESOLVED:** That

- (1) the High Weald National Landscape Management Plan 2024/29 be adopted as a material planning consideration; and
- (2) preparation of the High Weald National Landscape Management Plan 2024/29 be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Planning, to make further minor changes during the adoption process.

#### **CB 24/74 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.

#### **EXECUTIVE KEY DECISIONS**

#### **CB 24/75 GROUNDS MAINTENANCE CONTRACT**

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

(Decision Notice: D240066CAB)

Following a formal tender and evaluation process, the report provided an update on the retender of the Borough Councils Ground Maintenance Contract for public open spaces and advised on options for alternative herbicide/pesticide use.

Cabinet had due regard to the options presented, the financial and value for money considerations and the legal implications and noted that the value of the successful tender was within anticipated costs allocated within the Borough Councils Medium Term Financial Strategy. The environmental impact of alternative options for herbicide/pesticide use had been discussed in detail with the Borough Council's Climate Change Officer and given the cost implications and debatable environmental benefits identified it was recommended that these options not be taken up at the current time. This approach was supported by Cabinet.

**RESOLVED:** That Commercial Services Trading Ltd T/A Landscape Services be awarded the Borough Councils Ground Maintenance Contract from 1 January 2025 at an annual cost of £731,370.17.

The meeting ended at 7.56 pm