

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

VOLUME 3
APRIL - JUNE 2024

Item	Page (s)
1. 2 April 2024: Cabinet	1 - 10
• Minute Numbers: CB 24/41-55	
2. 4 April 2024: Overview and Scrutiny Committee	11 - 14
• Minute Numbers: OS 24/17-25	
3. 9 April 2024: Council (Ordinary)	15 - 22
• Minute Numbers: C24/19-32	
4. 9 April 2024: Council (Special)	23 - 24
• Minute Numbers: C 24/33-34	
5. 15 April 2024: Audit Committee	25 - 32
• Minute Numbers: AU 24/10-22	
6. 22 April 2024: Overview and Scrutiny Committee (Extraordinary)	33 - 38
• Minute Numbers: OS 24/26-29	
7. 30 April 2024: Cabinet (Extraordinary)	39 - 42
• Minute Numbers: CB 24/56-60	
8. 14 May 2024: Council (Annual)	43 - 50
• Minute Numbers: C 24/35-55	

9.	21 May 2024: Housing and Planning Scrutiny Select Committee	51 - 56
	<ul style="list-style-type: none"> Minute Numbers: HP 24/19-27 	
10.	22 May 2024: Communities and Environment Scrutiny Select Committee	57 - 62
	<ul style="list-style-type: none"> Minute Numbers: CE 24/12-18 	
11.	29 May 2024: Area 2 Planning Committee	63 - 64
	<ul style="list-style-type: none"> Minute Numbers: AP 24/12-17 	
12.	4 June 2024: Cabinet	65 - 72
	<ul style="list-style-type: none"> Minute Numbers: CB 24/61-75 	
13.	5 June 2024: Joint Standards Committee	73 - 76
	<ul style="list-style-type: none"> Minute Numbers: ST 24/1- 6 	
14.	12 June 2024: General Purposes Committee	77 - 80
	<ul style="list-style-type: none"> Minute Numbers: GP 24/16-24 	
15.	Decisions taken by the Executive (Cabinet, Cabinet Member and Urgent)	81 - 136
	<ul style="list-style-type: none"> D240034CAB – D240042CAB D240043MEM – D240050MEM D240051MEM - D240056MEM D240057CAB – D240066CAB 	

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

CABINET

Tuesday, 2nd April, 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
- In attendance:** Councillors B Banks, Mrs T Dean, F A Hoskins, Mrs A S Oakley, R V Roud and Mrs M Tatton were also present pursuant to Access to Information Rule No 23.
- Virtual:** Councillors Mrs S Bell, J Clokey, A Cope, S Crisp, M A J Hood, M R Rhodes and C J Williams participated via MS Teams in accordance with Access to Information Rule No 23.

PART 1 - PUBLIC

CB 24/41 DECLARATIONS OF INTEREST

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

CB 24/42 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 5 March 2024 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE KEY DECISIONS

CB 24/43 PARKING PROPOSALS AND CHANGES TO ON-STREET AND OFF-STREET PARKING FEES AND CHARGES

(Decision Notice: D240034CAB)

Consideration was given to proposals in respect of on-street and off-street parking arrangements, fees and charges and the consultation responses received as part of the recent public consultation.

Due regard was also given to the views and recommendations of the Joint Transportation Board who had considered proposals related to on-street parking on 4 March 2024 and to the financial and value for money considerations. Cabinet recognised that some of the proposals required the procurement of equipment, services and capital works, that funding for the implementation of the proposals would come from existing

revenue budget and capital funding and that some of the proposals currently in List C of the Capital Plan would need to be brought forward for fast-track evaluation in due course.

RESOLVED: That

- (1) the recommendations of the Joint Transportation Board of 4 March 2024, be approved as set out below;
 - (i) the proposals for Avebury Avenue, Tonbridge to remove the current on-street Pay and Display be approved, and that the on-street Traffic Regulation Order be amended to reflect the changes;
 - (ii) the proposals for the introduction of on-street charges in West Malling High Street and Swan Street be introduced as drawn, with the inclusion of no charge for up to 1 hour of parking and that the on-street Traffic Regulation Order be amended to reflect the changes;
 - (iii) the proposal for the loading bay in West Malling High Street be introduced as drawn, the future level of enforcement and size of signs be reviewed and the on-street Traffic Regulation Order be altered to reflect the changes;
 - (iv) the changes to the on-street fees and charges be implemented as advertised and that the on-street Traffic Regulation Order be altered to reflect the changes.
- (2) the parking charges to Martin Square car park be introduced as stated in the report, with the inclusion of no charge for up to 30 minutes of parking;
- (3) the parking charges to Aylesford Bailey Bridge (East) and Bailey Bridge (West) car parks be introduced as stated in the report, subject to the reduction in the charge for a season ticket to £200 per annum and the introduction of a scheme for parking associated with the local primary school;
- (4) the Bailey Bridge (East) car park be extended*;
- (5) the Upper Castle Field car park be extended*;
- (6) the existing nine Gateway parking spaces located in the Tonbridge Castle Grounds car park become available for general use and that they are subject to the same parking conditions and requirements for payment as the rest of the Castle Grounds car park;
- (7) the off-street parking tariffs be revised as stated in the report; and

- (8) with the exception of West Malling High Street, the Council's off-street parking charges be extended until 8pm and that the parking charges also be applied on Sundays and Bank Holidays, excluding Christmas Day, Boxing Day and New Years Day.

**subject to Capital Plan/fast-track evaluations*

CB 24/44 TONBRIDGE TOWN CENTRE PROGRAMME MANAGER

(Decision Notice: D240035CAB)

Consideration was given to the appointment of a Programme Manager on a full-time 3 year fixed-term basis to co-ordinate the various town centre related projects, developing and managing a town centre wide programme and monitoring progress.

Due regard was given to the views of the Finance, Regeneration and Property Scrutiny Select Committee who supported the creation of a Tonbridge Town Centre Programme Board to oversee the wider work programme. The financial and value for money considerations detailed in 1.4 of the report were noted.

On the grounds of mitigating risks associated with having sufficient resource to progress the wide range of work, it was proposed by Cllr Boughton and seconded by Cllr Coffin that a Programme Manager be appointed.

RESOLVED: That

- (1) a Tonbridge Town Centre Programme Manager be appointed on a full-time 3 year fixed-term contract; and
- (2) the allocation of funds from the Regeneration of Tonbridge Reserve to meet the costs of the above appointment, be approved (as detailed in 1.4).

CB 24/45 EMPTY HOMES

(Decision Notice: D240036CAB)

Consideration was given to recommendation HP 24/9 of the Housing and Planning Scrutiny Select Committee of 19 March 2024 in respect of empty homes in the borough, a new Local Government Association (LGA) report on dealing with empty homes and proposals for the introduction of a new Empty Homes Officer post.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications

and recognised the importance of adopting measures to get empty properties back into use.

On the grounds of focusing attention, monitoring progress and exploring options for a longer-term approach, Cllr Boughton proposed, seconded by Cllr Coffin, the establishment of a fixed term Empty Homes Officer post. The creation of a budget of £30,000 to fund work that enabled the facilitation of empty homes being brought back into use was also supported.

RESOLVED: That

- (1) a two-year fixed-term Empty Homes Officer post 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 Homes Officer post.

CB 24/46 VOLUNTARY SECTOR GRANTS - FUTURE FUNDING OPTIONS

(Decision Notice: D240037CAB)

Cabinet considered a number of options in respect of future funding arrangements for key Voluntary and Community Sector Groups.

It was noted that in relation to offering lower amounts set over a longer period (detailed in Option 4), that organisations had been contacted to establish what service impacts could arise if this option was progressed.

Due regard was given to the responses received from the organisations (summarised in paragraph 1.2.3), the opportunity for voluntary and community sector groups to apply for UKSPF Community Development Grant funding from 1 March 2024 and the valuable work provided by these groups to support residents throughout the Borough.

Particular reference was made to the larger grant of £95,000 offered to CANWK which had remained static for several years. Despite the ongoing cost of living crisis meaning that their services were in high demand, it was prudent for the Borough Council to consider all value for money options. On the grounds that CANWK could apply for the UKSPF Community Development Grant, Cabinet supported a £5,000 reduction in funding with the security of a four-year Service Level Agreement.

RESOLVED: That

- (1) grant funding for Imago, Involve, Mediation Schemes and Age UK Sevenoaks and Tonbridge be reduced as detailed in Option 4 and set for a period of 4 years to provide additional stability;
- (2) a £5,000 reduction in grant funding be applied for CANWK with the security of a four-year Service Level Agreement; and
- (3) prior to the next review of the Service Level Agreements for Voluntary Sector grant funding in April 2028, that consideration be given to which organisations, if any, would be eligible.

CB 24/47 PROCUREMENT SUPPORT

(Decision Notice: D240038CAB)

Careful consideration was given to a proposal to enter into an agreement with the Mid Kent Procurement Partnership to provide procurement support to the Borough Council.

Due regard was given to the options detailed in the report, which included the appointment of a dedicated officer and a partnership approach. The advantages and disadvantages of each option were detailed in Annex 3 to the report. It was felt that the in-house option did not provide adequate resource and represented less value for money than the partnership approach. The Management Team proposed to allocate funding from the Transformation Reserve if Cabinet supported the option to progress the partnership approach on a 2-year trial.

On the grounds that there was a risk to the Borough Council if it did not address the need for additional support in regard to procurement, as previously identified by the External Auditor, Cllr Boughton proposed, seconded by Cllr Coffin that the partnership approach be adopted.

RESOLVED: That

- (1) the Borough Council enter into a 2-year trial agreement with the Mid Kent Procurement Partnership; and
- (2) the 2-year trial agreement be funded from the Transformation Reserve.

EXECUTIVE NON-KEY DECISIONS**CB 24/48 TONBRIDGE TOWN CENTRE ASSET REVIEW - PHASE 2**

(Decision Notice: D240039CAB)

Consideration was given to recommendation FRP 24/4 of the Finance, Regeneration and Property Scrutiny Select Committee in respect of the Tonbridge Town Centre Asset Review.

Due regard was given to the detailed reports and assessments provided by the external consultant, Mace, together with the views expressed by the Scrutiny Select Committee.

It was suggested that the membership of the Town Centre Programme Board be the Cabinet Member for Climate Change, Regeneration and Property, Cabinet Member for Community Services, Councillors Athwal, Bridge, Hood and Mehmet.

RESOLVED: 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 and the membership of the Board as above, be noted;
- (3) the Borough Councils general approach to parking should be to provide unallocated parking spaces between the current 970 and anticipated future peak demand, on the grounds that the proposals from Sainsbury PLC and the potential provision of a hotel and medical practice were likely to attract greater numbers to the town;
- (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 that 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 for retail and commercial use around public spaces that provide flexible, simple units to optimise value be explored, and

- that the Borough Council acts as landlord for any new retail units and ensures that the viability of current commercial businesses are not put at risk 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 that the Borough Council looks to incorporate this 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 remains sympathetic to the local area; and the extent and scope of this role 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 that the Tonbridge Town Centre Programme Board 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 becomes 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.

CB 24/49 NATIONAL PLANNING POLICY LEGISLATION UPDATE

(Decision Notice: D240040CAB)

Consideration was given to recommendation HP 24/10 of the Housing and Planning Scrutiny Select Committee of 19 March 2024.

RESOLVED: 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.

CB 24/50 TEMPORARY ACCOMMODATION AND HOMELESSNESS CONSULTANCY REVIEW

(Decision Notice: D240041CAB)

Consideration was given to recommendation HP 24/11 of the Housing and Planning Scrutiny Select Committee of 19 March 2024 in respect of a recent consultancy review of temporary accommodation and homelessness.

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 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.

RESOLVED: That

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

MATTERS SUBMITTED FOR INFORMATION**CB 24/51 CORPORATE KEY INDICATORS**

Data on Key Performance Indicators (KPIs) aligned to the Corporate Strategy 2023-2027 and monitored on a quarterly or annual basis were provided. The data was made available to the Scrutiny Select Committees, Overview and Scrutiny and Cabinet on an ongoing basis.

CB 24/52 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

The Minutes of the Tonbridge Community Forum of 26 February 2024 and the Minutes of the Joint Transportation Board of 4 March 2024 were received and noted.

CB 24/53 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 24/54 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 DECISION**CB 24/55 GIBSON BUILDING UPDATE**

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

(Decision Notice: D240042CAB)

Consideration was given to the proposals to release the restrictive covenants on the Council's Gibson site Title.

Cabinet had due regard to the financial and value for money considerations and legal implications and recognised that the proposals supported the Council's corporate priority to provide efficient services for all residents, whilst maintaining an effective Council.

RESOLVED: That the proposals set out in the exempt report, be agreed.

The meeting ended at 8.51 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 4th April, 2024

Present: Cllr Mrs A S Oakley (Chair), Cllr R I B Cannon (Vice-Chair), Cllr M A J Hood (Vice-Chair), Cllr T Bishop, Cllr C Brown, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr F A Hoskins, Cllr D W King, Cllr J R S Lark, Cllr W E Palmer, Cllr A Mehmet (substitute), Cllr R W G Oliver (substitute) and Cllr R V Roud (substitute).

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

*participated via MS Teams

Apologies for absence were received from Councillors G B Hines, S A Hudson and D Thornwell

PART 1 - PUBLIC

OS 24/17 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr Mehmet substitute for Cllr Hudson
- Cllr Roud substitute for Cllr Thornwell
- Cllr Oliver substitute for Cllr Hines

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

OS 24/18 DECLARATIONS OF INTEREST

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

OS 24/19 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 25 January 2024 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET**OS 24/20 HOUSING ASSOCIATION PERFORMANCE FRAMEWORK**

A proposed Housing Association Performance Framework setting out the data to be requested from the largest Registered Providers, arrangements to review nomination agreements with those providers and how the Housing Association Liaison Panel could be used to ensure Member engagement was attached at Annex 1 for consideration.

Reviewing the approach to a Housing Association Performance Framework was an identified action in the Borough Council's Housing Strategy Action Plan for Year 2.

However, it was reported that the Borough Council would engage with Clarion Housing differently to other registered providers given the size of their portfolio in the Borough. This was reflected in the proposed Framework with a specific section on a meeting programme with Clarion.

Members welcomed the introduction of a Performance Framework so that the Borough Council was aware of registered providers performance and able to assess any potential impacts this performance might have on the authority's activity or its residents. Data would be requested from all Housing Associations with stock in Tonbridge and Malling on at least an annual basis as set out in 1 of Annex 1. To address concerns raised by the Committee, information on damp and mould complaints and issues would also be requested from all Housing Associations.

It was also noted that there was renewed focus by Clarion Housing in respect of 'voids' and whilst better data was being received it was difficult to share information with Members on the grounds of confidentiality and GDPR. However, consideration would be given as to whether data sharing was an option.

***RECOMMENDED:** That

- (1) the Housing Association Performance Framework be commended to Cabinet for adoption.

***Recommended to Cabinet**

MATTERS FOR INFORMATION**OS 24/21 AGILE SOFTWARE IMPLEMENTATION**

The report of the Director of Planning, Housing and Environmental Health reviewed the implementation of the Agile project and responded to specific questions previously raised by the Committee. Based on the challenges with service delivery experienced by Planning and Building Control following implementation of their modules, the Agile project had

been identified as a red risk on the Borough Council's strategic risk register.

Careful consideration was given to the responses detailed in 1.2 of the report which outlined the procurement process, financial and value for money implications, decision making and delivery arrangements and timetables.

Members sought clarity around spending in respect of the original proposal and expressed disappointment at the £200,000 additional cost as a result of additional project management. It was confirmed that the overall cost of the implementation project to the Borough Council was in the region of £397,000 (as set out in 1.4.1, 1.4.2 and 1.4.4 of the report). These represented one-off capital costs and were not an ongoing financial commitment. There was also an ongoing revenue saving of circa £50,000 as a result of moving to an alternative software provider. It was reiterated that the previous Uniform platform was no longer compliant in many areas of legislation, such as GDPR and cyber-security, and the new Agile platform should represent value for money in due course.

There was in-depth discussion on a number of factors, including the underestimation of the scale of the work required, the challenging working relationship with the new provider and whether important lessons could be learned around procurement, implementation, due diligence and management of major projects. It was also felt that greater consideration should have been given to the consequences of new software and the impacts on stretched resources. Detailed responses were provided by the Director of Planning, Housing and Environmental Health and the Head of IT.

Members noted that Internal Audit was undertaking a 'post implementation review' of the modules already operating and this would be finalised in April 2024. This was considered an important interim step in reviewing the project to ensure that any lessons learned could be implemented for the remaining Agile modules. It was also noted that the Audit Committee had asked to review Agile from a risk perspective and relevant officers would be present at that meeting.

OS 24/22 CORPORATE KEY PERFORMANCE INDICATORS

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

A request to monitor complaints in respect of taxi licences (KPI 112 and 113) was noted.

OS 24/23 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE

The decisions taken by the Cabinet and Cabinet Members during March 2024 were presented for information and noted by the Committee.

OS 24/24 WORK PROGRAMME

The Work Programme setting out potential matters to be scrutinised during 2024/25 was noted. A progress report on the implementation of Agile would be included for the meeting on 12 September 2024.

Members were invited to suggest future items by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE**OS 24/25 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.15 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 9th April, 2024

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 9th April, 2024

Present: His Worship the Mayor (Councillor J R S Lark), the Deputy Mayor (Councillor S M Hammond), Cllr L Athwal, 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 S Crisp, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr D Harman, Cllr G B Hines, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, 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 Thornevell, Cllr K S Tunstall and Cllr C J Williams

Apologies for absence were received from Councillors B Banks, A Cope , P M Hickmott, and W Mallard

PART 1 - PUBLIC

C 24/19 DECLARATIONS OF INTEREST

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

C 24/20 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 20 February 2024 be approved as a correct record and signed by the Mayor.

C 24/21 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:

- Annual Community Concert for Senior Citizens
- 17th Tonbridge Scout & Guide Band's Sprint Concert

- Tonbridge Angels with Ferham Homes Presentation Ceremony to Slade Primary Schools U11 Girls Football Team
- The Chairman of KCC's Flag Raising Ceremony
- Tonbridge Lions Charter Night
- Mayor of Dartford's Charity Cabaret Night
- LAMPS Production
- Kent Golf Autism Acceptance Week Event

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

- Cheque Presentation – date to be announced
- Honorary Freeman Ceremony on 14 May 2024
- Annual Council on 14 May 2024

The Mayor was also pleased to be hosting 'Primary Schools Debates' in the Council Chamber on 18 April and 9 May 2024 and looked forward to some lively and interesting debates.

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

C 24/22 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 24/23 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 24/24 LEADER'S ANNOUNCEMENTS

The Leader's announcements referred to the 50th Anniversary of the Borough Councils formation and reflected on the concept of serving the community. This had been evidenced earlier in the evening with the conferment of Honorary Alderman titles on 6 former Councillors (Vivian Branson, Mark Davis, Ann Kemp, Brian Luker, Howard Rogers and Janet Sergison) in recognition of their dedicated service to residents over a number of years.

Reference was made to the work of current colleagues and the Leader paid tribute to Cllr C Williams for the organisation of a memorial bicycle ride to raise funds for the Kent, Surrey and Sussex Air Ambulance in memory of his daughter.

The Leader indicated that the one purpose of the Borough Council was to support community groups and organisations in the borough to help them flourish for the benefit of all residents. There was still time for organisations to apply for the current round of Community Development Grant funding and all were encouraged to 'spend locally on things that make a difference to us'.

There was also good news regarding a successful bid to the Public Sector Decarbonisation Scheme and the Borough Council had received grant funding of circa £1.6M to install air source heat pumps at Larkfield Leisure Centre. In addition, the Borough Council had received circa £400,000 from Sport England to fund energy saving measures at Larkfield Leisure Centre, including new solar panels and LED lighting. Both of these projects would reduce running costs and carbon emissions.

Members were advised of an inaugural West Kent Expo event organised by the West Kent Partnership which aimed to encourage networking, collaboration and investment into the local area. There was also good news regarding improvements to Sainsbury in Tonbridge with a recent public exhibition setting out plans for the store which would greatly improve that area of the town.

Finally, additional measures had been put in place to address anti-social behaviour within the borough and to support the work of Kent Police and other partners. A new Anti-social Behaviour Enforcement Team had started operating in Tonbridge and Malling. This provided a good opportunity for local concerns around ASB to be addressed by this Team.

Full Leader's announcements were available on the Borough Council [YouTube channel](#)

MATTERS FOR DECISION

C 24/25 APPOINTMENT OF CHIEF EXECUTIVE

Consideration was given to the recommendations of the Appointment Panel detailed in the report and the Leader of the Borough Council proposed that Damian Roberts be appointed as the Chief Executive of Tonbridge and Malling Borough Council.

It was also proposed that the interim arrangements currently in place continued until the new Chief Executive was in post.

Members welcomed the appointment and noted that the Appointment Panel were confident that Mr Roberts had the requisite skills, knowledge and experience to lead the Borough Council into the future.

Finally the Council recorded appreciation to Mr Adrian Stanfield for his performance as Interim Chief Executive.

RESOLVED: That

- (1) Mr Damien Roberts be appointed as permanent Chief Executive from 1 July 2024;
- (2) Mr Damien Roberts be appointed to the separate roles of Returning Officer and Electoral Registration Officer from 1 July 2024;
- (3) the following interim appointments continued, in addition to their substantive posts, from 15 May 2024 to 30 June 2024, or until such time as Mr Damien Roberts was in post:
 - Adrian Stanfield, Director of Central Service as Interim Chief Executive;
 - Sharon Shelton, Director of Finance and Transformation as Interim Deputy Chief Executive,
 - Joy Ukadike, Head of Legal and Democratic Services as Interim Monitoring Officer
- (4) the appointment of Adrian Stanfield to the separate roles of Returning Officer and Electoral Registration Officer continue from 15 May 2024 to 30 June 2024 or until such time as Mr Damien Roberts was in post.

**C 24/26 CHANGES TO THE CONSTITUTION - COUNCIL PROCEDURE
RULE 5.5 - QUESTIONS FROM MEMBERS**

Consideration was given to recommended changes to the Constitution in respect of Committee Procedure Rule 5.5 (Part 4: Rules) to improve the process around submitting questions to Full Council.

Following a meeting of Council on 24 October 2024 a request had been received to review the current arrangements as it was felt that late receipt of questions did not always allow sufficient time for detailed responses to be provided.

The proposed changes to CPR 5.5 were detailed in Annex 1 and for convenience were set out in red text. The main changes were summarised in 1.2.2 of the report and introduced a consistency with CPR 5.27 (Motions on Notice) and applied maximum limits.

On the grounds that the proposed introduction of a deadline for questions to be submitted 10 working days before the date of the meeting meant that Councillors lost the ability to raise anything considered urgent, Cllr Hood proposed, seconded by Cllr Athwal the following amendment under Rule 5.5:

'urgent questions can be presented no later than 1600 hours on the working day prior to the date of the meeting on the understanding that a reply may not be comprehensive given the limited timeframe'.

Upon further discussion of this amendment, Members wanted to avoid over complicating the process, felt that there could be some ambiguity about what was considered urgent, expressed concern that this didn't address the issue previously raised by Councillors of insufficient time to respond fully. It was also noted that anything considered urgent could be taken as an urgent item of business at the discretion of the Mayor.

Following a vote the proposal for this amendment was lost.

There was also discussion on whether setting a maximum limit of 5 questions per meeting was sufficient. This process would be regularly reviewed and if a need to increase this number was demonstrated it would be given full consideration.

On balance, Members welcomed the proposed changes on the grounds that the operation of the rules relating to questions were clarified.

RESOLVED: That the Monitoring Officer be authorised to amend the Constitution as set out in paragraph 1.2.2 of the report and in Annex 1.

C 24/27 PROGRAMME OF MEETINGS 2024-25 AND 2025-26

The proposed programme of meetings for the municipal years 2024/25 and 2025/26 were presented for consideration and were attached at Annexes 1 and 2 respectively. Management Team, Senior Officers and Cabinet Members had been consulted on the proposed dates. Subject to any amendments identified by Members the programmes would be presented to Annual Council for endorsement.

It was the responsibility of the annual meeting of the Council to approve a programme of meetings for the coming year. However, it was considered sensible to present the programmes to this meeting to allow time for any proposed revisions to be made. The aim was to allow Annual Council to approve a schedule which was fixed for the upcoming municipal year, whilst recognising the need to respond to specific and changing circumstances. If a programme was not in place the Borough Council's ability to take decisions in a timely manner could be affected.

There had been a number of changes to the programme previously agreed in 2023 and Members attention was drawn to the amendments as detailed in paragraph 1.1.2 of the report.

Members noted that the budget setting cycle for 2025 was subject to confirmation of dates for Kent County Council, Kent Police and Kent Fire and Rescue Service budget meetings. Currently, the provisional

Borough Council programme allowed for Cabinet on 11 February 2025 and Council on 18 February 2025 and remained subject to change.

Finally, there was a request to avoid scheduling meetings during school holidays if possible/practicable so that there wasn't a barrier to encouraging people to stand as councillors. This would be taken into consideration when drafting the longer term programme for 2026/27.

RESOLVED: That

- (1) the Programme of Meetings for 2024/25 (as set out in Annex 1) be approved and presented to Annual Council for formal endorsement; and
- (2) the draft Programme of Meetings for 2025/26 (as set out in Annex 2) be agreed, subject to final approval at Annual Council in May 2024.

C 24/28 BIODIVERSITY NET GAIN MONITORING

The report of the Director of Planning, Housing and Environmental Health set out options for monitoring and enforcing relevant agreements in respect of biodiversity net gain (BNG) legislation. The proposed monitoring fees were to offset costs incurred by the local authority.

Members were reminded that the legislation introduced from 12 February 2024 required developers to offset impacts of development with 10% BNG. This applied to major developments with immediate effect. Minor and small site applications would be affected from the legislative changes from 2 April 2024.

Careful consideration was given to the main issues outlined in 1.2 of the report. Three options were presented for discussion. Due regard was given to the legal, financial and value for money considerations and Members recognised that monitoring and charging supported climate change mitigation. Effective monitoring over a 30-year period was essential to ensure the establishment and flourishing of habitats and realising the co-benefits of BNG for green infrastructure, carbon sequestration and ecosystems.

RESOLVED: That

- (1) (to ensure a proportionate approach based on development size in line with the schemes that had been considered in the past 5 years) the Bio-diversity Net Gain monitoring fees set out in paragraph 1.2.6 (Option 3) be adopted by Tonbridge and Malling Borough Council;

- (2) the income generated via Bio-diversity Net Gain monitoring costs be held in a separately identifiable cost centre in the Borough Council's financial budgets; and
- (3) consideration be given on how to best utilise the income generated to offset staffing and other costs over the relevant monitoring period.

C 24/29 HOUSING SERVICES STAFFING

Consideration was given to the recommendations of the General Purposes Committee of 13 March 2024 in respect of a number of establishment changes in Housing Services which were supported by the Management Team.

RESOLVED: That

- (1) 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
- (2) 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.

C 24/30 FEEDBACK FROM CONSULTATION RESULTS OF THE SCRAP METAL DEALERS POLICY 2024 - 2029

Consideration was given to the recommendation of the Licensing and Appeals Committee of 26 March 2024 in respect of proposed changes to the Borough Council's Scrap Metal Dealers Policy 2024-29.

A public consultation ran from 9 October 2023 to 30 November 2023, during which no representations were received.

RESOLVED: That the proposed changes to the Scrap Metal Dealers Policy 2024-2029, be approved.

MATTERS FOR INFORMATION

C 24/31 MINUTES OF CABINET AND COMMITTEES

The Minutes of meetings of the Cabinet and Committees for the period February to March 2024 set out in the Minute Book (Volume 2) (attached as a supplement) were received and noted.

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

C 24/32 SEALING OF DOCUMENTS

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

The meeting ended at 9.30 pm
having commenced at 8.15 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 9th April, 2024

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 9th April, 2024

Present: His Worship the Mayor (Councillor J R S Lark), the Deputy Mayor (Councillor S M Hammond), Cllr L Athwal, 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 S Crisp, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr D Harman, Cllr G B Hines, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, 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

Apologies for absence were received from Councillors B Banks, A Cope, P M Hickmott and W J Mallard

PART 1 - PUBLIC

C 24/33 ADMITTANCE OF HONORARY FREEMAN

Consideration was given to a Notice of Motion pursuant to Council Procedure Rule No. 5.18 submitted jointly by Councillors J Lark, M Boughton, D Davis, S Hammond and A Oakley that the title of Honorary Freeman be conferred on 220 Medical Squadron, 256 (City of London and South East) Multi-Role Medical Regiment in accordance with Section 249 (5) of the Local Government Act 1972.

In recognition of the eminent services, achievements, traditions and the distinguished record of the Regiment in loyal and devoted service and in order to perpetuate the close bonds of friendship and mutual respect which existed between the Regiment and Borough, it was proposed by Councillor Lark and seconded by Councillor Boughton and

RESOLVED: That

- (1) in recognition of their eminent services to the Borough of Tonbridge and Malling, 220 Medical Squadron, 256 (City of London and South East) Multi-Role Medical Regiment be

admitted as an Honorary Freeman of the Borough pursuant to Section 249(5) of the Local Government Act 1972; and

- (2) in pursuance of Section 249(9) of the Local Government Act 1972, expenditure be authorised to enable an address to be presented to the Honorary Freemen of the Borough referred to in (1) above.

C 24/34 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 9.40 pm
having commenced at 9.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 15th April, 2024

Present: Cllr R I B Cannon (Chair), Cllr M R Rhodes (Vice-Chair), Cllr J Clokey, Cllr J R S Lark, Cllr M A J Hood and Cllr B A Parry and Cllr T Bishop (substitute)

In attendance: Councillor K B Tanner was also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors M A Coffin, Mrs A S Oakley and W E Palmer were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor Roud.

PART 1 - PUBLIC

AU 24/10 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr Bishop substituting for Cllr Roud

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

AU 24/11 DECLARATIONS OF INTEREST

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

AU 24/12 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 15 January 2024 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO COUNCIL

AU 24/13 AUDIT COMMITTEE ANNUAL REPORT

The report of the Chairman of the Audit Committee aimed to inform the Council of the means by which the Committee had provided independent assurance to those charged with governance on the adequacy of the risk management framework, the internal control environment and the integrity of financial reporting and annual governance processes. The

report summarised the work carried out by the Committee during 2023/24 and concluded that the required assurance, as defined in the Chartered Institute of Public Finance and Accountancy (CIPFA) Guidance, had been provided by the Audit Committee to those charged with governance.

RECOMMENDED*: That the Annual Report be presented to the Council as independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.

***Recommended to Council**

MATTERS FOR RECOMMENDATION TO CABINET

AU 24/14 RISK MANAGEMENT

Members received an update on the risk management process and the Strategic Risk Register (SRR). In January 2024, there were 7 risks categorised as 'red' as summarised below:

- Savings and Transformation Strategy
- Local Plan
- Implementation of the Agile software system
- Political factors including stability of political leadership and decision making
- Homes for Ukraine Scheme
- Carbon Neutral 2030 Aspiration
- Safeguarding and PREVENT

Since last reported, and at the snapshot in time that the Management Team had reassessed the risks, Safeguarding and PREVENT, Political factors including stability of political leadership and decision making, Homes for Ukraine Scheme and Carbon Neutral 2030 Aspiration were no longer identified as RED risks. However, Procurement had been added, giving a total of four remaining RED risks as follows:

- Savings and Transformation Strategy
- Local Plan
- Implementation of Agile software system
- Procurement.

At the request of Members, the Director of Planning, Housing and Environmental Health provided an update on the management of the Agile project risk, which remained RED, during which reference was made to the report submitted to the Overview and Scrutiny Committee on 4 April 2024. Members asked that further updates in respect of the Agile project risk be provided at future meetings.

During discussion, attention was brought to 'Procurement' which was identified as a significant weakness by Grant Thornton in their Annual Audit report. Members received an update regarding this risk, in particular the imminent engagement of procurement resources following a decision by Cabinet on 2 April 2024. It was therefore anticipated that the risk would be reduced at the next update.

RECOMMENDED*: That 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.

***Recommended to Cabinet**

MATTERS TAKEN UNDER DELEGATED POWERS

AU 24/15 TREASURY MANAGEMENT PERFORMANCE UPDATE

The report of the Director of Finance and Transformation provided details of investments undertaken and return achieved in the first eleven months of the current financial year and made proposals in respect of the Lothbury Property Investment Fund.

A full list of investments held on 30 November 2023 was attached at Annex 1 to the report and a copy of the lending list at Annex 2. In terms of cash flow and core cash investments, £2,931,760 was earned in interest to the end of February 2024, which exceeded expectation when compared to the revised estimate for the same period. This was due to the interest rates remaining elevated for longer than anticipated, and provided the authority with the opportunity to continue investing at the favourable rates currently available.

Members were advised that a forward deal for £3m with Close Brothers was agreed to commence in February 2024. Since agreeing the deal, and due to the current investigation by the FSA into motoring industry loans, Close Brother's long term rating had been downgraded, although the short term rating remained unaltered. The situation would be closely monitored and any emerging information would form part of the treasury updates whilst the deal remained active.

Thus far in 2023/24, the £5m investment in property funds had generated dividends of £136,970 which represented an annualised return of 3.65%.

The report outlined the current position of the Lothbury property fund. On 28 March 2024, following a vote, it was resolved that investors could exchange their units into the new Fund. Confirmation had been received from Lothbury that should the Council decide to disinvest at this time and not proceed to the new fund, there would be no exit fees payable prior to the deadline of 1 May 2024. During discussion, given the significant

regeneration plans the Council was progressing and the need to liquidate funds in the not too distant future, Members supported the recommendation that the redemption opportunity be registered in advance of the deadline of 1 May 2024. However Members requested that prior to the final notification, consideration be given to the redemption of part of the units in the fund with the transfer of the remainder to the new fund. It was suggested that delegated authority be granted to the Director of Finance and Transformation in liaison with the Cabinet Member for Finance and Housing and the Chair of the Audit Committee to consider and determine whether a partial redemption be appropriate.

In terms of medium-term investment, the diversified income funds had generated £191,930 up to 29 February 2024 which represented an annualised return of 4.92%.

RESOLVED: That

- (1) the treasury management update be noted;
- (2) delegated authority be granted to the Director of Finance and Transformation in liaison with the Cabinet Member for Finance and Housing and Chair of the Audit Committee to consider and determine whether a partial redemption of the Lothbury Property Fund be appropriate with the transfer of the remaining units to the new Fund; and
- (3) subject to the outcome of recommendation (2), the proposed redemption from the Lothbury Property Fund as explained at paragraphs 1.2.7 to 1.2.16, be approved.

AU 24/16 LOCAL AUDIT CONSULTATION

The report of the Director of Finance and Transformation informed Members of the Local Audit Consultation undertaken by the National Audit Office (NAO) on the progress for Local Authority Audit to be undertaken through to 2027/28. The report also provided an update on the proposed audit plan for the 2023/24 Financial Statements and consideration of the timing and signing of these statements.

The increased requirements of various International Auditing Standards and a lack of resources in both Local Government Accounting and External Audit teams had led to a backlog in the publication of audited accounts of local bodies in England. A Joint Statement from the Minister for Local Government, attached at Annex 2, proposed a way forward to tackle this backlog.

Attention was brought to Phase 2, the 'Backstop' proposals for the recovery period, financial years 2023/2024 to 2027/28, which would impact on the Council's accounts being prepared for these financial

years. Work was commencing on the 2023/24 statements and the deadline for Publication of Accounts was 31 May 2024. However, priority was being given to those authorities whose 2022/23 Accounts remained unsigned. It was unlikely therefore that the Audit Team would commence on the Council's 2023/24 account until October 2024 with conclusion of the Audit in December 2024.

Members considered the options at paragraph 1.3.7 in terms of the timing and signing of the statements and noted the Auditors preferred option, that the Committee consider the accounts and Audit Finding Report at their meeting on 13 January 2025.

Members received the External Indicative Audit Plan 2023-24 attached at Annex 7, which was presented by the Key Audit Manager at Grant Thornton.

RESOLVED: That

- (1) the External Indicative Audit Plan 2023-24 attached at Annex 7, be noted;
- (2) the accounts and Audit Finding Report (AFR) be considered by the Audit Committee at their meeting on 13 January 2025; and
- (3) the responses returned by Officers in liaison with the Chairman, Vice Chairman and the Cabinet Member for Finance and Housing on the two Consultation proposals, be noted.

AU 24/17 INFORMING THE AUDIT RISK ASSESSMENT FOR TONBRIDGE AND MALLING BOROUGH COUNCIL 2023-24

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

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

AU 24/18 INTERNAL AUDIT CHARTER

The report of the Chief Audit Executive presented the Internal Audit Charter for Member consideration and approval. It was noted that the Charter had been reviewed against the Public Sector Internal Audit Standards (PSIAS) and no amendments had been made.

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

AU 24/19 INTERNAL AUDIT AND FRAUD PLAN 2024-25

The report of the Chief Audit Executive presented the Internal Audit and Fraud Plan for 2024/25 which had been developed using a risk-based approach to determine the priorities of the internal audit activity consistent with the organisation's goals. Significant risk areas and priorities had been identified through a risk assessment which included reviews of the Strategic and Service Risk Registers, analysis of the wider environment, use of organisational knowledge and discussions with Directors both individually and collectively as part of Management Teams. The Plan had been reviewed and endorsed by the Management Team.

RESOLVED: That the Internal Audit and Fraud Plan for 2024/25, as set out at Annex 1 to the report, be approved.

MATTERS SUBMITTED FOR INFORMATION**AU 24/20 INTERNAL AUDIT AND COUNTER FRAUD UPDATE**

Members were provided with an update on the work of both the Internal Audit function and the Counter Fraud function. The progress report at Annex 1 provided an accumulative summary view of the work undertaken by Internal Audit for the period January 2024 to April 2024, together with the resulting conclusions where appropriate.

RESOLVED: That the Internal Audit Progress Report for the period January 2024 to April 2024, be noted.

AU 24/21 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE**AU 24/22 INSURANCE CLAIMS HISTORY**

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

The report of the Director of Finance and Transformation informed Members as to the nature and volume of liability and property damage insurance claims submitted for the year ended 31 March 2024.

RESOLVED: That the report be noted.

The meeting ended at 9.07 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Monday, 22nd April, 2024

Present: Cllr Mrs A S Oakley (Chair), Cllr R I B Cannon (Vice-Chair), Cllr M A J Hood (Vice-Chair), Cllr C Brown, Cllr A Cope, Cllr D A S Davis, Cllr P M Hickmott, Cllr F A Hoskins, Cllr S A Hudson, Cllr D W King, Cllr J R S Lark, Cllr W E Palmer, Cllr D Thornewell, Cllr G C Bridge (substitute), Cllr S Crisp (substitute), Cllr A Mehmet (substitute) and Cllr C J Williams (substitute)

In attendance: Councillors B Banks, K Barton, A G Bennison, R P Betts, M D Boughton, J Clokey, M A Coffin, Mrs T Dean, D Keers, M R Rhodes, K B Tanner, Mrs M Tatton, M Taylor, and K S Tunstall were also present pursuant to Council Procedure Rule No 15.21.

Together with the following external representatives invited by the Chair to provide witness statements: Mr B Smith – Martin Square Traders; Dr R Gilmore – Thornhills Medical Practice; Ms N Elwell – Aylesford traders; Ms T Seamer – Tonbridge traders (submitted an apology for absence and provided a written statement); Ms J Wyatt – Slade Area Residents Association; Mr M Guyton – Tonbridge and Malling Leisure Trust

Virtual: Councillors L Athwal, P Boxall, R W G Oliver, B A Parry and R V Roud participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T Bishop, D Harman and G B Hines and an apology for in-person attendance was received from Councillor R W Dalton who participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21.

PART 1 - PUBLIC

OS 24/26 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor G Bridge substituted for Councillor T Bishop
- Councillor A Mehmet substituted for Councillor R Dalton
- Councillor C Williams substituted for Councillor D Harman

- Councillor S Crisp substituted for Council G Hines

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

OS 24/27 DECLARATIONS OF INTEREST

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

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 24/28 CALL IN OF EXECUTIVE DECISION D240034CAB - PARKING PROPOSALS AND CHANGES TO ON-STREET AND OFF-STREET PARKING FEES AND CHARGES

The report of the Scrutiny Officer advised that in accordance with the Overview and Scrutiny Committee Procedure Rule 15 (c) as set out in Part 4 of the Constitution, five members of the Committee had raised a valid 'call-in' request in relation to the decision taken by the Cabinet in respect of the parking proposals and changes to on-street and off-street parking fees and charges.

Decision Notice D240034CAB (attached at Annex A to the report) had been published on 5 April 2024 and subsequently called-in by Councillors Thornewell, Dalton, Hoskins, Hickmott and Hood.

The grounds for call-in were set out in the report, at paragraph 1.2.1, and the decision was 'deferred' pending consideration by the Overview and Scrutiny Committee.

Members of the Committee considered the grounds for the call-in and a supplementary report of the Interim Chief Executive, provided at the request of Councillor Hood, setting out the legal position concerning fees and charges for on-street and off-street parking and the purposes for which any surplus income generation from parking could be used.

The Cabinet Member for Transformation and Infrastructure (Councillor Coffin), Cabinet Member for Finance and Housing (Councillor Tanner), Cabinet Member for Planning (Councillor Taylor) and the Leader (Councillor Boughton) were invited to respond to the concerns raised in the call-in request and provide justification for each of the decisions that were taken as part of Cabinet Decision D240034CAB by the Cabinet on 2 April 2024. It was explained that, based on the principle of consistency in implementing car park charges across the borough, due regard had been given to the introduction of on-street and off-street parking charges in the proposed areas where no charges were applied in the past, whilst the uniqueness of each and every car park and area was acknowledged and duly considered, including the responses from

the public consultation. Maintaining a balanced budget in the coming years was key for the Borough Council to ensure a continuous provision of a sustainable parking service for the borough amid the ever-increasing costs in the operation and management of parking services and the maintenance and investment of parking facilities.

In addition, six representatives from community organisations and local businesses were invited by the Chair to address the Committee in person (with the exception of one representative whose statement was read out at the discretion of the Chair), during which significant concern was expressed over the potential negative impacts, anticipated to arise from the introduction of parking charges in Larkfield and Aylesford, the extension of the Upper Castle Field car park and the extension of charging hours until 8pm including Sundays and Bank Holidays, on local residents, businesses and visitors.

A detailed and thorough debate followed in respect of Cabinet Decision D240034CAB during which each proposal was considered in order as set out in the Decision Notice.

With regard to Cabinet Decision D240034CAB (1) (ii), it was proposed by Councillor Thornewell and seconded by Councillor Hoskins that reconsideration be given to removal of the proposal for the introduction of on-street charges in West Malling High Street and Swan Street. Following a formal vote this proposal was rejected with 9 Members voting against, 5 voting in favour and 3 abstained from voting. The recommendation of the Committee remained as originally set out in the Decision Notice.

With regard to Cabinet Decision D240034CAB (2), it was proposed by Councillor Cannon and seconded by Councillor Williams that reconsideration be given to an increase of the free parking concession from half an hour to one hour in Martin Square car park, Larkfield, within the introduction of parking charges in the car park. Following a formal vote this proposal was supported with 12 Members voting in favour, 4 voting against and one abstained from voting. In accordance with Council Procedure Rule 8. 6, Part 4 (Rules) of the Constitution, Councillor Thornewell requested that it be recorded in the Minutes that he had voted against this proposal.

With regard to Cabinet Decision D240034CAB (3), it was proposed by Councillor Davis and seconded by Councillor Williams that reconsideration be given to a further reduction in the charge for a season ticket from £200 to £120 per annum in Aylesford Bailey Bridge (East) and Bailey Bridge (West) car parks, with the inclusion of no charge for up to one hour of parking and further consideration to be given to the provision of parking spaces for exclusive use by residents. The amended recommendations were made on the acceptance of the introduction of parking charges in these car parks, which were not to be introduced until the extension of the Bailey Bridge (East) car park had

been completed. This proposal was supported by the Committee and agreed by general affirmation.

With regard to Cabinet Decision D240034CAB (5), it was proposed by Councillor King and seconded by Councillor Mehmet that reconsideration be given to removal of the proposal to extend the Upper Castle Field car park on the grounds of preserving the public open green space. This proposal was supported by the Committee and agreed by general affirmation.

With regard to Cabinet Decision D240034CAB (8), it was proposed by Councillor Cope and seconded by Councillor Hood that the proposal be referred back to the Cabinet for reconsideration with the proviso that free parking concession for one hour on Sundays be provided in Tonbridge within the extension of charging hours at the Borough Council's car parks until 8 pm including Sundays and Bank Holidays (excluding Christmas Day, Boxing Day and New Years Day). Following an explanation provided by the Leader, it was moved by the Chair and seconded by Councillor Hudson that further information be prepared by Officers in advance of the extraordinary meeting of Cabinet scheduled for 30 April 2024 to enable the Cabinet to fully assess and consider the financial implications anticipated to arise from the proposed inclusion of no charge for up to one hour of parking on Sundays in Tonbridge, with particular reference made to the difference in tariff bands between long stay and short stay car parks in Tonbridge, the historical and existing refund schemes in place with certain businesses and the financial context of the proposal, within a complete picture. This amended proposal was supported by the Committee and agreed by general affirmation.

Furthermore, it was noted that an offer had been received from the Tonbridge and Malling Leisure Trust who proposed to make a recurring annual payment of £45,000 to the Borough Council in exchange for free parking concessions for the users of the Angel Centre leisure facilities after 6 pm including Sundays and Bank Holidays whilst the facilities remained open, subject to the final approval of the extension of charging hours in the Borough Council's car parks and the continuation of the existing arrangement in place to refund the charges for one hour of parking for users of the Tonbridge Swimming Pool, including during the additional chargeable hours. This offer was proposed by the Leisure Trust in the spirit of maintaining a mutually beneficial partnership with the Borough Council whilst seeking to protect the members of both the Angel Centre and the Tonbridge Swimming Pool under the current economic pressure and was welcomed by the Leader on behalf of the Cabinet.

For the purpose of clarity, it was confirmed by the Committee that no amendments had been recommended in respect of the other proposals within Cabinet Decision D240034CAB that had not otherwise been discussed as detailed above.

RECOMMENDED*: That the Cabinet reconsider its decisions in respect of the parking proposals and changes to on-street and off-street parking fees and charges (Cabinet Decision D240034CAB (2), (3), (5) and (8)) with recommended amendments as follows:

- (1) Cabinet Decision D240034CAB (2) be amended to “the parking charges to Martin Square car park be introduced as stated in the report, with the inclusion of no charge for up to one hour of parking”;
- (2) Cabinet Decision D240034CAB (3) be amended to “the parking charges to Aylesford Bailey Bridge (East) and Bailey Bridge (West) car parks be introduced as stated in the report, subject to the reduction in the charge for a season ticket to £120 per annum, the introduction of a scheme for parking associated with the local primary school and the inclusion of no charge for up to one hour of parking” with further consideration to be given to the provision of parking spaces for exclusive use by residents; however, the parking charges are not to be implemented until the extension of the Bailey Bridge (East) car park has been completed** (Cabinet Decision D240034CAB (4) refers);
- (3) Cabinet Decision D240034CAB (5) in respect of the proposed extension of the Upper Castle Field car park be removed;
- (4) further investigation be undertaken by Officers and information prepared for the Cabinet to reconsider Cabinet Decision D240034CAB (8) with regard to a proposal to introduce no charge for up to one hour of parking on Sundays in Tonbridge in respect of off-street parking charges; and
- (5) Cabinet Decision D240034CAB (1), (4), (6) and (7) be retained.

***Recommended to Cabinet**

** subject to Capital Plan/fast-track evaluations

MATTERS FOR CONSIDERATION IN PRIVATE

OS 24/29 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 11.00 pm
with a break between 9.46 pm and 9.55 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 30th April, 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

In attendance: Councillors L Athwal, B Banks, G C Bridge, J Clokey, D A S Davis, Mrs T Dean, G B Hines, M A J Hood, F A Hoskins, D W King, A Mehmet, M R Rhodes, R V Roud, Mrs M Tatton and D Thornewell were also present pursuant to Access to Information Rule No 23.

Virtual: Councillors Mrs S Bell, R I B Cannon, A Cope, S Crisp, D Harman, S A Hudson and W E Palmer participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Access to Information Rule No 23.

PART 1 - PUBLIC

CB 24/56 DECLARATIONS OF INTEREST

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

MATTERS TO INFORM THE EXECUTIVE

CB 24/57 PETITION IN RESPECT OF UPPER CASTLE FIELD, TONBRIDGE

Cabinet received a petition from Slade Area Residents Association (SARA) and the Save Upper Castle Fields Facebook Group asking that 'the green space and play area at Upper Castle Fields be preserved' and urging 'local authorities to safeguard this vital community asset for present generations and those yet to come'.

Dr. R Herbert and Ms J Wyatt addressed the chamber in accordance with Part 4 of the Council and Committee Procedure Rules.

The signatures in the petition and the statements were given due regard during the substantive debate under agenda item 4 (Minute Number CB 24/59).

RESOLVED: That

- (1) the petition at Annex 1, be received and noted; and
- (2) the issues raised in the petition be considered alongside the recommendations of the Overview and Scrutiny Committee of 22 April 2024.

CB 24/58 PETITION IN RESPECT OF PREVENTING THE EXTENSION OF CHARGING HOURS IN BOROUGH COUNCIL CAR PARKS

Cabinet received a petition stating 'The recent proposal to extend charging hours in the towns car parks is not just an inconvenience, but a potential threat to the vibrancy and vitality of our community' and urged the 'Borough Council to not only consider these facts but also listen to constituents who have overwhelmingly supported no increase to the charging hours in the car parks. We need policies that encourage growth and community engagement rather than hinder it.'

Ms K Sinclair addressed the chamber in accordance with Part 4 of the Council and Committee Procedure Rules. A written statement from Mr G Simmonds was read out at the discretion of the Leader.

The signatures in the petition and the statements were given due regard during the substantive debate under agenda item 4 (Minute Number CB 24/59).

RESOLVED: That

- (1) the petition at Annex 1, be received and noted; and
- (2) the issues raised in the petition be considered alongside the recommendations of the Overview and Scrutiny Committee of 22 April 2024.

EXECUTIVE KEY DECISIONS**CB 24/59 CALL IN OF EXECUTIVE DECISION D240034CAB - PARKING PROPOSALS AND CHANGES TO ON-STREET AND OFF-STREET PARKING FEES AND CHARGES**

(Decision Notice: D240034(1)CAB)

In accordance with the Overview and Scrutiny Procedure Rules, decision D240034CAB was the subject of a call-in and was scrutinised by the Overview and Scrutiny Committee on 22 April 2024. Members of the Overview and Scrutiny Committee considered the grounds for the call-in and had regard to the responses provided by the Cabinet. After in-depth discussion and a formal vote the Overview and Scrutiny Committee recommended that decision D240034CAB be amended as set out in Minute Number OS 24/28.

Careful consideration was given to the recommendations of the Overview and Scrutiny Committee, the views of wider Members and the signatories of the petitions received in respect of 'Upper Castle Field' and the 'Extension of charging hours in Borough Council car parks'.

Due consideration was also given to the statements made at the meeting by community representatives, during which significant concern was expressed over the potential threat to the vibrancy and vitality of the community, the extension of the Upper Castle Field car park and the extension of charging hours until 8pm including Sundays and Bank Holidays and impact on local residents, business and visitors.

After careful consideration and having due regard to the financial and value for money considerations, Cabinet proposed a number of amendments to Decision No. D240034CAB which was superseded by Decision No. D240034(1)CAB.

RESOLVED: That

- (1) the following recommendations of the Joint Transportation Board of 4 March 2024, be approved:
 - (i) the proposals for Avebury Avenue, Tonbridge to remove the current on-street Pay and Display be approved, and that the on-street Traffic Regulation Order be amended to reflect the changes;
 - (ii) the proposals for the introduction of on-street charges in West Malling High Street and Swan Street be introduced as drawn, with the inclusion of no charge for up to 1 hour of parking and that the on-street Traffic Regulation Order be amended to reflect the changes;
 - (iii) the proposal for the loading bay in West Malling High Street be introduced as drawn, the future level of enforcement and size of signs be reviewed, and the on-street Traffic Regulation Order be altered to reflect the changes; and
 - (iv) the changes to the on-street fees and charges be implemented as advertised and that the on-street Traffic Regulation Order be altered to reflect the changes;
- (2) the parking charges to Martin Square car park be introduced as stated in the report, subject to an amendment to no charge for up to 1 hour of parking and the reduction in the charge for a season ticket to £10 per month;
- (3) the parking charges to Aylesford Bailey Bridge (East) and Bailey Bridge (West) car parks be introduced as stated in the report, subject to the reduction in the charge for a season ticket to £120 per annum and the inclusion of no charge for up to one hour of parking, with further consideration to be given to the provision of parking spaces for exclusive use by residents; however, the parking charges are not to be implemented until the extension of

the Bailey Bridge (East) car park has been completed which is subject to Capital Plan/fast-track evaluation;

- (4) the Bailey Bridge (East) car park be extended subject to Capital Plan/fast track evaluation;
- (5) the current proposal to extend the Upper Castle Field car park not be agreed;
- (6) the existing nine Gateway parking spaces located in the Tonbridge Castle car park become available for general use and they are subject to the same parking conditions and requirements for payment as the rest of the Castle Grounds car park;
- (7) the off-street parking tariffs be revised as stated in the report;
- (8) with the exception of West Malling High Street, the Council's off-street parking charges be extended until 8pm and that the parking charges also be applied on Sundays and Bank Holidays, excluding Christmas Day, Boxing Day and New Years Day; and
- (9) there be no charge for up to 30 minutes of parking in the following short stay car parks in Tonbridge: Bradford Street, Castle Grounds, Kinnings Row, Lamberts Yard, River Lawn and Upper Castle Field.

CB 24/60 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.54 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 14th May, 2024

At the statutory Annual meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 14th May, 2024

Present: His Worship the Mayor (Councillor J R S Lark for items 1-3), Councillor S M Hammond for items 4-23), the Deputy Mayor (Councillor C Brown), 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 R I B Cannon, Cllr J Clokey, Cllr M A Coffin, Cllr A Cope, Cllr S Crisp, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr D Harman, Cllr P M Hickmott, Cllr G B Hines, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr 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

PART 1 - PUBLIC

C 24/35 ELECTION OF MAYOR

It was proposed by Councillor Cannon and seconded by Councillor Williams that Councillor Steve Hammond be elected Mayor for the municipal year 2024/25.

Following a formal vote there was majority support for the proposal.

RESOLVED: That Councillor Steve Hammond be elected Mayor for the municipal year 2024/25

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

C 24/36 VOTE OF THANKS TO RETIRING MAYOR

Members expressed appreciation to the retiring Mayor for dedicated and loyal service to the Borough and its residents, commended their enthusiasm and active promotion and support of local community and voluntary organisations and groups.

In response to the thanks expressed, Councillor Lark recorded appreciation to Councillor Hammond for their support as Deputy Mayor, to the Mayoress, the many organisations that had contributed to the Mayoral events and everyone who had shown such generosity and support. Particular reference was made to the amazing work undertaken by voluntary and community groups, charities and businesses in the Borough particularly the Scouts, Guides, Schools, Tonbridge Lions, the Tonbridge Rotary Club and the community choirs.

Councillor Lark was pleased to report that over £5,500 had been raised in support of the Mayor's Charity, Arthurs Quest and expressed appreciation for the opportunity to have represented Tonbridge and Malling during the past year. The Mayor had attended many civic and charitable events in the past year, some of the most memorable being the Royal Garden Party at Buckingham Palace, the opening of the new Centenary Homes by HRH The Princess Royal and a medal presentation to Nuclear Veterans.

It was proposed by Councillor Boughton seconded by Councillor Hudson and

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

C 24/37 ELECTION OF DEPUTY MAYOR

It was proposed by Councillor Tanner seconded by Councillor Harman and following a formal vote

RESOLVED: That Councillor Christopher Brown be appointed Deputy Mayor for the municipal year 2024/25.

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

C 24/38 DECLARATIONS OF INTEREST

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

C 24/39 MINUTES

RESOLVED: That the Minutes of the proceedings of the ordinary and Special meetings of the Council held on 9 April 2024 be approved as a correct record and signed by the Mayor.

C 24/40 MAYOR'S ANNOUNCEMENTS

No formal announcements were made at this time. However, subsequent to the meeting the Mayor advised that Royal British Legion Industries would be his nominated charity for the year.

C 24/41 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 24/42 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

In accordance with Council Procedure Rule No 5.5. a number of questions had been submitted by Members. Responses had been provided by the relevant Cabinet Members and the questions and answers published as supplements in advance of the meeting were noted.

The opportunity to ask a supplementary question was taken by Cllr Hood in respect of 24/001 (Rewilding and River Lawn) and related to the involvement of the Medway Valley Countryside Partnership (MCVP) in the rewilding project and whether there were better areas to rewild so that River Lawn could be tidied.

In response, the Cabinet Member for Climate Change, Regeneration and Property confirmed that MCVP had been consulted in accordance with the decision taken by the then Street Scene and Environment Services Advisory Board in 2021. Reference was also made to correspondence received asking the Borough Council to commit to 'no mow May' to improve biodiversity.

C 24/43 NOTICE OF MOTION SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE NO. 5.27 (24/002)

Consideration was given to a Notice of Motion (24/002) pursuant to Council Procedure Rule No. 5.7 submitted by Councillor Cope and seconded by Councillor Athwal on behalf of the Tonbridge and Malling Green Group in relation to 'debate not hate' (as set out on pages 29-30).

Members agreed that abuse of any sort was unacceptable, that behaviour in meetings and online should always be respectful and there should be less aggressive expression of opinions in writing, in the Council Chamber and especially on social media platforms. Personal experiences of abuse via social media and trolling were also shared.

Whilst Members supported the ethos of maintaining exemplary standards it was recognised that the actions proposed to address the

normalisation of abuse against councillors and officers would not address the societal problems. However, there was general support for Members to adopt respectful and civil behaviour in meetings and foster better working relationships. The Leader of the Borough Council indicated that the subject of this motion would be discussed at the first Group Leader meeting of the municipal year.

RESOLVED: That the Notice of Motion (24/002) be supported.

C 24/44 NOTICE OF MOTION SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE NO. 5.27 (24/003)

Consideration was given to a Notice of Motion (24/003) pursuant to Council Procedure Rule No. 5.7 submitted by Councillor Hood and seconded by Councillor Cope on behalf of the Tonbridge and Malling Green Group in relation to 'zero tolerance of any form of hate crime (as set out on page 31).

Members recognised the importance of committing to zero tolerance of any form of hate so that residents were reassured that the borough was a welcoming and inclusive community. However, concern was expressed that the issues set out in the Motion were beyond the remit of the Borough Council and were for national Government to address.

Councillor A McDermott proposed, seconded by Councillor D King, an amendment to the Motion as follows (removal of (3) – (5) and amended (1) and (2)):

'The Council is asked to

- (1) Recommit publicly to zero tolerance of form of discrimination so that residents are reassured that Tonbridge and Malling is a welcoming and inclusive community;
- (2) Encourage residents to report hate crime to the police and through the website so it can be referred to the Community Safety Partnership in order than anyone affected by hate crime could be supported.

The aim of the proposed amendment was not to diminish the value of the original motion but to offer a practical solution that the Borough Council could deliver.

In accordance with Council Procedure Rule No. 6.5 (g) Cllr S Hudson proposed a closure motion to stop debating and make a decision on the matter. This was seconded by Cllr M Boughton and supported by the Council.

Following a formal vote on the amendment to the motion proposed by Cllr McDermott and seconded by Cllr King there was a majority in favour and this motion was carried.

Following a formal vote on the substantive motion, as amended, it was

RESOLVED: That the Notice of Motion (as amended) proposed by Councillor A McDermott and seconded by Councillor D King be approved.

MATTERS FOR DECISION

C 24/45 POLITICAL BALANCE ARRANGEMENTS

The report of the Interim Chief Executive set out details of political balance arrangements required to be applied to the Borough Council's committees, scrutiny select committees and advisory panels and boards.

RESOLVED: That the composition of all committees, scrutiny select committees and advisory panels and boards be approved in accordance with the table set out at paragraph 1.1.6 of the report and the Monitoring Officer make any consequential amendments to the Borough Council's Constitution in respect of political balance.

C 24/46 APPOINTMENT OF CABINET

The Leader presented details of the composition of the Cabinet.

RESOLVED: That it be noted that the Cabinet would comprise 6 Members (including the Leader) with the responsibilities set out at Annex 1 and duplicated below:

Councillor M Boughton	-	Leader
Councillor R Betts	-	Climate Change, Regeneration and Property
Councillor M Coffin	-	Waste and Transformation
Councillor D Keers	-	Community Services
Councillor K Tanner	-	Finance and Housing
Councillor M Taylor	-	Planning

C 24/47 APPOINTMENT OF COMMITTEES

RESOLVED: That appointments to the Committees of the Borough Council for 2024/25 be approved as set out Annex 2.

C 24/48 APPOINTMENT OF SCRUTINY SELECT COMMITTEES, PANELS AND OTHER MEMBER GROUPS

RESOLVED: That appointments to the Scrutiny Select Committees, Advisory Panels and other member groups of the Council for 2024/25 be approved as set out at Annex 3.

C 24/49 APPOINTMENT OF CHAIR AND VICE-CHAIR

RESOLVED: That appointments of Chair and Vice-Chair of each Committee, Scrutiny Select Committee, Panel and Group for 2024/25 be approved as set out at Annex 4.

C 24/50 APPOINTMENTS TO OUTSIDE BODIES

RESOLVED: That appointments to serve on outside bodies for 2024/25 be approved as set out at Annex 5.

C 24/51 APPOINTMENT OF SUBSTITUTE MEMBERS

RESOLVED: That appointments to serve as substitute members for 2024/25 be approved as set out Annex 6.

C 24/52 SCHEME OF DELEGATIONS

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

RESOLVED: That

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

C 24/53 PROGRAMME OF MEETINGS

The programme of Council, Cabinet, Committee and Panel meetings for 2024/25 was presented for approval.

RESOLVED: That the programme of meetings for 2024/25 and the provisional programme of meetings for 2025/26 (as set out at Annexes 1 and 2 to the report) be approved.

C 24/54 AUDIT COMMITTEE ANNUAL REPORT

Consideration was given to the recommendations of the Audit Committee of 15 April 2024 in respect of the Audit Committee Annual Report.

RESOLVED: That the Annual Report be approved as independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.

C 24/55 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 9.43 pm
having commenced at 8.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 21st May, 2024

Present: Cllr D A S Davis (Chair), Cllr Mrs S Bell, Cllr G C Bridge, Cllr S M Hammond, Cllr P M Hickmott, Cllr M A J Hood, Cllr A Mehmet, Cllr W E Palmer, Cllr R W G Oliver, Cllr R V Roud, Cllr D Thornewell, Cllr R I B Cannon and Cllr M R Rhodes

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

(*participated via MS Teams)

Apologies for absence were received from Councillors D W King (Vice-Chair) and S A Hudson

HP 24/19 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr D King substituted by Cllr M Rhodes
- Cllr S Hudson substituted by Cllr R Cannon

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

HP 24/20 DECLARATIONS OF INTEREST

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

HP 24/21 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 19 March 2024 be approved as a correct record and signed by the Chair.

MATTERS FOR CORPORATE MONITORING

HP 24/22 CORPORATE KEY PERFORMANCE INDICATORS

The report of the Interim Chief Executive provided data on Key Performance Indicators (KPIs) that were aligned to the Corporate

Strategy 2024-27 and monitored on a quarterly basis. The data provided related to the period up to end of March 2024 and aimed to provide analysis about the performance of the authority and support its improvement.

Members noted positive trends in respect of affordable housing delivery, implementation of projects funded through Disabled Facilities Grants and improving results at planning appeals. Conversely, decisions on planning applications had seen a negative trend predominantly due to delays in getting decisions issues as a result of disruption caused by the introduction of a new software system. Further detail on these trends were set out at 1.1.2 to 1.1.6 of the report.

A number of queries were raised related to the housing register and it was confirmed that applications continued to be high despite improved waiting times arising from increased resourcing. Currently there were 204 live applications and the position was kept under constant review. It was also hoped that for the next quarter reporting period benchmarking data for KPI 037 would be completed.

RESOLVED: That the positive and negative trends as set out in the report be noted.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 24/23 TREE ENFORCEMENT PROTOCOL AND TREE PRESERVATION ORDER PROTOCOL

Consideration was given to the introduction of a new Tree Enforcement Protocol (at Annex 1) and Tree Preservation Order (TPO) Protocol (at Annex 2).

The Tree Enforcement Protocol detailed options available in respect of planning enforcement; the prosecution procedures and available penalties concerning trees. There would be greater liaison between Enforcement and Tree and Landscape Officers in assessing and investigating enforcement issues and this was welcomed by the Committee.

The TPO Protocol demonstrated principles of consistency in assessment and decision making when considering whether new Orders should be made and confirmed; aimed to increase public confidence and speed up decision making by streamlining the process and making it more robust.

An update was also provided on how the Planning Service dealt with tree related matters and it was acknowledged that there was a backlog in respect of outstanding TPOs which currently stood at 59. It was noted that these were triaged as indicated in the proposed Protocol and not identified as immediate priorities (unless an urgent TPO was

required) when compared to other landscape related tasks carried out by the Landscape Officer. Measures to address the backlog were detailed in 1.4 of the report and a target of reducing this by at least one case per week would be implemented. The process of triaging TPO requests would continue and trees at immediate risk would always be prioritised.

Members expressed concern that the measures proposed to address the backlog were insufficient to make a significant improvement in a timely manner. To assist with monitoring the progress being made to reduce the backlog, it was suggested that six monthly updates be provided to the Scrutiny Select Committee and this to include potential alternative measures that could be implemented. This approach was supported by the Committee. The form of the update report would be discussed with the Cabinet Member for Planning.

Concern was expressed that there was an insufficient role for Members in the TPO Protocol and there was no safety-check to ensure that decisions were appropriate and fit for purpose.

Cllr Hood proposed, seconded by Cllr Oliver that a call-in mechanism for Councillors be added to the TPO Protocol. Following a formal vote this proposed was rejected. However, the Director of Planning, Environmental Health and Planning indicated that better engagement and communication between Officers and local Members regarding TPO applications and decisions could alleviate the concerns raised. A majority of the Committee supported this suggestion and a suitable approach to informal engagement would be discussed with the Cabinet Member for Planning.

***RECOMMENDED:** That

- (1) the Tree Enforcement Protocol (at Annex 1) be commended to Cabinet for adoption to aid decision making; and
- (2) subject to the approach on informal communications between Members and Officers being detailed, the Tree Preservation Order Protocol (at Annex 2) be commended to Cabinet for adoption to aid decision making.

***Recommended to Cabinet**

HP 24/24 LOCAL PLAN - DUTY TO CO-OPERATE UPDATE

The report of the Director of Planning, Housing and Environmental Health provided an update on the duty to co-operate, partnership working and reporting.

Members were reminded 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.

A simple guide to strategic planning and the duty to co-operate was attached at Annex 1.

Government considered that effective and on-going joint working was integral to the production of a positively prepared and justified Local Plan. It was intended that joint working should help to determine where additional infrastructure was necessary, whether development needs that could not be met wholly within a particular area plan could be met elsewhere. It was good practice for local authorities to keep an accurate record of meetings undertaken with neighbouring authorities and other bodies. These would inform the preparation of statement of common ground later in the plan making process.

A record of engagement providing a summary of contact between the Borough Council and neighbouring authorities from July 2021 was attached at Annex 2. Members were advised that since the publication of the agenda, a further request to assist with unmet need had been received from Sevenoaks District Council. The record of engagement would be updated accordingly.

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

***Recommended to Cabinet**

HP 24/25 TRANSFER INCENTIVE SCHEME

Members considered proposals for a new transfer incentive scheme policy to assist Tonbridge and Malling Borough Council to make the best use of existing housing stock.

A potential Scheme was attached at Annex 1 and proposed incentive payments ranging from £1,500 to £3,500 depending upon the size of the property released with an additional £2,000 for the freeing up of an adapted property. Funding for the Scheme would be met from existing budgets such as Discretionary Housing Payments or Housing Assistance reserve.

The Scheme would be closely monitored and where it was determined that there was no available funding in year, applications could be deferred to the following year.

It was recognised that a financial incentive might not be the only factor in encouraging a tenant to downsize. The Borough Council would work

with relevant housing providers and other agencies to offer support where required.

***RECOMMENDED:** That the Transfer Incentive Scheme (at Annex 1) be commended to Cabinet for approval.

***Recommended to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

HP 24/26 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 further matters by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE

HP 24/27 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

MINUTES

Wednesday, 22nd May, 2024

Present: Cllr S A Hudson (Chair), Cllr A G Bennison, Cllr S Crisp, Cllr Mrs T Dean, Cllr G B Hines, Cllr F A Hoskins, Cllr J R S Lark, Cllr A McDermott, Cllr W E Palmer, Cllr M R Rhodes, Cllr Mrs M Tatton, Cllr D W King (substitute) and Cllr C J Williams (substitute)

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

Virtual: Councillors L Athwal, M A Coffin, Mrs A S Oakley and K B Tanner participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell (Vice-Chair) and K S Tunstall.

CE 24/12 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor C Williams substituted for Councillor S Bell
- Councillor D King substituted for Councillor K Tunstall

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

CE 24/13 DECLARATIONS OF INTEREST

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

CE 24/14 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 7 February 2024 be approved as a correct record and signed by the Chair.

MATTERS FOR CORPORATE MONITORING

CE 24/15 CORPORATE KEY PERFORMANCE INDICATORS

The report of the Interim Chief Executive provided data on Key Performance Indicators (KPIs) that were aligned to the Corporate Strategy 2023 – 2027 and monitored on a quarterly basis. The data provided related to the period up to the end of March 2024 and aimed to provide analysis about the performance of the Borough Council and support its improvement.

Members noted a number of positive trends in respect of attendance at the leisure facilities, referrals to One You Service, reported Anti-Social Behaviour cases and waste collection. Conversely, recycling and composting rates and fly tipping incidents had seen a negative trend, despite the fact that in the case of the latter the borough continued to perform well in comparison to other areas of Kent. Further detail on these trends were set out at 1.1.2 to 1.1.6 of the report.

Questions were raised over KPI Ref 029 regarding the number of prosecutions for fly tipping incidents and KPI Refs 021 – 023 regarding the timing for availability of the data and these would be investigated and responded to in due course.

MATTERS FOR RECOMMENDATION TO THE CABINET

CE 24/16 GRAFFITI UPDATE

The report of the Interim Chief Executive provided an update on the work to tackle graffiti in the borough, including feedback from the public consultation and the development of a graffiti policy.

With regard to the idea of a 'graffiti wall', Members noted that at present there was lack of evidence to prove the effectiveness of graffiti walls in reducing the incidents of illegal tagging within an area. Furthermore, operational and financial concerns in respect of the establishment and maintenance of a graffiti wall were also flagged.

Consideration was given to a draft Graffiti Policy, attached at Annex 2, which sought to clarify the responsibilities in respect of graffiti clearance and removal. Whilst the Borough Council did not have a statutory duty to remove graffiti on privately owned property, work with Community Payback scheme was ongoing with a view to removing graffiti from privately owned properties if deemed suitable and appropriate. Introduction of the Policy was welcomed by Members with particular reference made to its communication for awareness of members of the public and the wider community.

RECOMMENDED*: That

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

***Recommended to Cabinet**

CE 24/17 COMMUNITY SAFETY PARTNERSHIP PLAN 2024 - 2025

(Decision Notice D240049MEM)

The report of the Interim Chief Executive presented a draft Community Safety Partnership Plan 2024/25, which gave details of the initiatives the Partnership had carried out during the previous year and set out details of the priorities for the forthcoming year.

Particular attention was drawn to the six priorities set by the Partnership for 2024/25, as detailed in 1.1.4 of the report, and it was noted that an Action Plan had been developed with partners for each of the priorities, as part of the Partnership Plan, and would be progressed during the year and monitored by the Community Safety Partnership Strategy Group.

Members welcomed the positive progress arising from the successful projects over the year and supported future actions as set out in the Plan for the next year.

RECOMMENDED*: That

- (1) the Community Safety Partnership Plan 2024/25, attached at Annex 1, be supported and endorsed.

***Decision Taken by Cabinet Member**

CE 24/18 AIR QUALITY MANAGEMENT AREA STATUS UPDATES AND RECOMMENDATIONS

(Decision Notice D240050MEM)

The report of the Director of Planning, Housing and Environmental Health presented the monitoring results at the six Air Quality Management Areas (AQMAs) in the borough and recommended revocation of the M20 AQMA in accordance with the Local Air Quality Management (LAQM) Technical Guidance 2022 document (TG22), which provided the current statutory guidance as to how local authorities

should comply with the relevant legislation to monitor and tackle air pollution.

Members noted that, according to the TG22, there should not be any declared AQMAs for which compliance with the relevant objective (annual mean NO₂ concentrations being lower than 36 µg/m³, i.e. within 10% of the annual mean NO₂ objective) had been achieved for a consecutive 5-year period, which had been the case for the M20 AQMA, and if the respective NO₂ levels remained consistent in 2024 in the case of the other AQMAs with the exception of the Watringbury AQMA, they would also be recommended for review and revocation in 2025.

Furthermore, it was clarified that air quality monitoring across the borough, including within the current AQMAs, would continue following the revocation as recommended.

RECOMMENDED*: That

- (1) the M20 Air Quality Management Area be revoked; and
- (2) the status of the Air Quality Management Areas in Tonbridge High Street, Aylesford, Larkfield and Borough Green be acknowledged and reviewed again in 2025 with a view to revocation should monitoring results for 2024 be conducive.

***Decision Taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION

CE 24/19 DEVELOPING A PATHWAY TO CARBON NEUTRAL BY 2030

The report of the Interim Chief Executive presented Members with information on a modelled pathway of emissions reductions for major measures of the Borough Council to carbon neutral in 2030.

Members noted that the pathway was not a detailed analysis of all emissions sources, nor a commitment to particular action or a fully costed action plan, but a tool to bring together emissions reduction decisions taken service-by-service to present a picture of overall progress and would be subject to change over time.

The TMBC Pathway, attached at Annex 1, showed a potential route towards the carbon neutral by 2030 aspiration, modelled using credible assumptions that remained high level at this stage. It showed RAG ratings for each of the major emission sources and made clear the level of uncertainty for the major measures.

Particular reference was made to the Borough Council's successful bidding for the £1.5 million grants through the Sport England Swimming

Pool Support Fund and the Department for Energy Security and Net Zero's Public Sector Decarbonisation Scheme to support the energy efficiency measures to be implemented at the leisure facilities.

Overall, Members welcomed the positive progress made and recognised the challenges ahead whilst acknowledging the importance of keep all options under investigation and exploration.

CE 24/20 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 24/21 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.33 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 29th May, 2024

Present: Cllr W E Palmer (Chair), Cllr B Banks, Cllr R P Betts, Cllr M A Coffin, Cllr D Harman, Cllr S A Hudson, Cllr J R S Lark, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor.

Apologies for absence were received from Councillors C Brown, M D Boughton, P Boxall, S Crisp and Mrs T Dean.

PART 1 - PUBLIC

AP2 24/12 DECLARATIONS OF INTEREST

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

AP2 24/13 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 21 February 2024 be approved as a correct record and signed by the Chairman.

AP2 24/14 GLOSSARY AND SUPPLEMENTARY MATTERS

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

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

DECISIONS TAKEN BY THE COMMITTEE

AP2 24/15 TM/23/02034/FL - LAND BETWEEN BIRCHFIELD AND MID KENT NURSERIES, ASHES LANE, HADLOW, TONBRIDGE

Proposed three detached dwellings with double garages (resubmission following withdrawn of 23/01395/FL).

During discussion, particular reference was made to conditions to include passive house, landscaping and biodiversity management.

RESOLVED: That planning permission be GRANTED for the following reason:

It was considered that the proposal comprised limited infilling in villages and therefore complied with the exception under section e) of paragraph 154 of the National Planning Policy Framework 2023 which amounted to appropriate development in the green belt; subject to

- (1) a Section 106 agreement being negotiated to contribute towards education, community learning, children's services, libraries, adult social care and waste as sought by Kent County Council and referenced in 5.8 and 6.31 of the report; and
- (2) final wording of conditions and informatives being delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Chair and Vice-Chair, and as set out on the Decision Notice published by Planning Services.

[Speaker: Mr M Rogers (applicant)]

AP2 24/16 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

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

AP2 24/17 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.04 pm

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

JOINT STANDARDS COMMITTEE

MINUTES

Wednesday, 5th June, 2024

Present: Cllr D A S Davis (Chair), Cllr K Barton, Cllr G C Bridge, Cllr J Clokey (substitute), Cllr M Coffin (substitute), Cllr J R S Lark, Cllr B A Parry and Cllr C Williams (substitute).

Together with parish/town council representatives Mr W Stead (Burham Parish Council), Mr N Newman (Ditton Parish Council), Mr O Baldock (Hadlow Parish Council) and W Palmer (Platt Parish Council).

Apologies for absence were received from Councillors Mrs S Bell (Vice-Chair), A G Bennison, M R Rhodes*, R V Roud, K B Tanner; and Parish Councillors C Short (Addington Parish Council), Mr M Williams* (East Peckham Parish Council), Mr M Carboni (Plaxtol Parish Council) and Prof M McKinlay (Ryarsh Parish Council).

(*apologies for in-person attendance submitted and participated via MS Teams)

PART 1 - PUBLIC

ST 24/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr Clokey substituted for Cllr Roud
- Cllr Coffin substituted for Cllr Tanner
- Cllr Williams substituted for Cllr Bell

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

ST 24/2 DECLARATIONS OF INTEREST

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

ST 24/3 MINUTES

RESOLVED: That the Minutes of the meeting of the Joint Standards Committee held on 12 July 2023 be approved as a correct record and signed by the Chairman.

MATTERS TO BE TAKEN UNDER DELEGATED POWERS**ST 24/4 JOINT STANDARDS COMMITTEE - PARISH/TOWN REPRESENTATIVES AND VOTING ALLOCATIONS**

Following consultation with Parish/Town Councils and the Parish Partnership Panel at the latter end of 2023, the report of the Interim Chief Executive confirmed parish/town representatives for the Joint Standards Committee. The Chair of the Committee and the Monitoring Officer had also been consulted upon the proposals.

A revised 'pool' of parish and town council representatives was set out in Annex 1 together with proposed voting allocations for 2024-26. It was confirmed that not being assigned voting rights didn't prevent parish/town representatives from participating in meetings of the Committee but removed confusion around voting.

RESOLVED: That

- (1) the revised 'pool' for parish and town council representatives (set out in Annex 1) be noted;
- (2) the voting allocations for 2024-26 (as set out in Annex 1) and duplicated below be endorsed:

2024/25	Burham, Ditton, Hadlow, Platt, Plaxtol and Ryarsh;
2025/26	Addington, Aylesford, Borough Green, East Peckham, Kings Hill and Trottiscliffe;
2026/27	Snodland, Wrotham and 4 vacancies

MATTERS SUBMITTED FOR INFORMATION**ST 24/5 CODE OF CONDUCT COMPLAINTS**

The Committee received an update on the complaints made to the Monitoring Officer that a Member may have failed to comply with the their authority's code of conduct.

Details of the complaints received since the last meeting of the Joint Standards Committee were set out in Annex 1. Six further complaints were currently subject to initial assessment.

MATTERS FOR CONSIDERATION IN PRIVATE

ST 24/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.00 pm
having started at 7.50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

MINUTES

Wednesday, 12th June, 2024

Present: Cllr M R Rhodes (Chair), Cllr A McDermott (Vice-Chair), Cllr B Banks, Cllr K Barton, Cllr A G Bennison, Cllr M A Coffin, Cllr J Clokey, Cllr D A S Davis, Cllr B A Parry, Cllr R V Roud and Cllr K B Tanner

Cllr P M Hickmott were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

GP 24/16 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute members.

GP 24/17 DECLARATIONS OF INTEREST

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

GP 24/18 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 13 March 2024 be approved as a correct record and signed by the Chairman.

MATTERS FOR DECISION UNDER DELEGATED POWERS

GP 24/19 STAFF AWARD PAYMENT

Consideration was given to a proposed one-off staff recognition payment within an approved budget of £50,000 as included in the approved Estimates 2024/25. The sum to be divided equally amongst all staff was intended as a 'thank you' payment in recognition of their contribution to the authority, the Borough and its communities and to mark and celebrate 50 years of Tonbridge and Malling Borough Council.

The proposal was a Cabinet led initiative and not linked to any wider Borough Council policies on staff pay and reward. It was also a one-off standalone payment and not a recurring annual payment. Any amount above £50,000 as a result of national insurance contributions and superannuation payments would be met from the organisations management savings on salaries.

Details of the criteria for staff to receive the payment were set out in 1.3 of the report.

Members recognised the role of staff in maintaining and delivering services during the pandemic and the cost-of-living crisis and welcomed the opportunity to reward this hard work. There was also discussion on performance related pay and rewarding exceptional service. However, the challenge in quantifying performance across many different services and roles made this difficult to manage. The current proposal rewarded all staff equally regardless of grade. It was also noted that the Management Team had declined to accept this pay reward.

The Chair proposed that the General Purposes Committee record appreciation to all staff for their efforts in supporting residents and communities within the Tonbridge and Malling Borough Council area. This was supported unanimously by Members.

RESOLVED: That

- (1) the one-off staff recognition payment of £150 each be approved as set out in the report; and
- (2) the General Purposes Committee formally record appreciation to all staff for their efforts in supporting residents and communities within the Tonbridge and Malling Borough Council area.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 24/20 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

MATTERS FOR DECISION UNDER DELEGATED POWERS

GP 24/21 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 Member's approval a number of establishment changes recommended by the 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.

Careful consideration was given to a number of proposed changes to the establishment as detailed in 1.3 of the report. As this represented budget growth these required the approval of Council, subject to the views of the Committee. However, it was noted that the cost of creating a full time, fixed term Finance Officer post (as detailed in 1.3.35) would be met from the Budget Stabilisation Reserve.

RESOLVED: That

- (1) the two-year extension up to 5 December 2026 of the Economic Development Officer post (DC0199) be noted;
- (2) the regrading of the Electoral Services Officer post (DC4020) following a job evaluation exercise from scale 4 to scale 5 with effect from 1 June 2024 be noted; and
- (3) the creation of a new three-year fixed term Tonbridge Town Centre Programme Manager post at M8/M7 be noted.

RECOMMENDED*: That

- (4) with effect from 10 July 2024, the Internal Communications Officer post (DA1299) be permanently established at 18.5 hours per week;
- (5) with effect from 10 July 2024, the proposed changes within the Revenues and Benefits Service, detailed in 1.3.24 – 1.3.27 of the report, be established; and
- (6) with effect from 10 July 2024, the proposed changes within Accountancy and Exchequer Services, detailed in 1.3.25 to 1.3.40 of the report, be established.

***Recommended to Council**

The meeting ended at 8.06 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet

Decision No: D240034CAB

Decision Type: Key

Date: 02 April 2024

Decision(s) and Reason(s)

Parking Proposals and Changes to On-street and Off-street Parking Fees and Charges

This decision was subject to call in and superseded by D240034(1)CAB

(Joint report of Director of Street Scene, Leisure and Technical Services, Director of Finance and Transformation and Interim Deputy Chief Executive)

Careful consideration was given to proposals in respect of on-street and off-street parking arrangements, fees and charges and the consultation responses received as part of the recent public consultation.

Due regard was also given to the views and recommendations of the Joint Transportation Board who had considered proposals related to on-street parking on 4 March 2024 and to the financial and value for money considerations. Cabinet recognised that some of the proposals required the procurement of equipment, services and capital works, that funding for the implementation of the proposals would come from existing revenue budget and capital funding and that some of the proposals currently in List C of the Capital Plan would need to be brought forward for fast-track evaluation in due course.

RESOLVED: That

- (1) the recommendations of the Joint Transportation Board of 4 March 2024, be approved as set out below;
 - (i) the proposals for Avebury Avenue, Tonbridge to remove the current on-street Pay and Display be approved, and that the on-street Traffic Regulation Order be amended to reflect the changes;
 - (ii) the proposals for the introduction of on-street charges in West Malling High Street and Swan Street be introduced as drawn, with the inclusion of no charge for up to 1 hour of parking and that the on-street Traffic Regulation Order be amended to reflect the changes;
 - (iii) the proposal for the loading bay in West Malling High Street be introduced as drawn, the future level of enforcement and size of signs be reviewed and the on-street Traffic Regulation Order be altered to reflect the

changes;

- (iv) the changes to the on-street fees and charges be implemented as advertised and that the on-street Traffic Regulation Order be altered to reflect the changes.
- (2) the parking charges to Martin Square car park be introduced as stated in the report, with the inclusion of no charge for up to 30 minutes of parking;
- (3) the parking charges to Aylesford Bailey Bridge (East) and Bailey Bridge (West) car parks be introduced as stated in the report, subject to the reduction in the charge for a season ticket to £200 per annum and the introduction of a scheme for parking associated with the local primary school;
- (4) the Bailey Bridge (East) car park be extended*;
- (5) the Upper Castle Field car park be extended*;
- (6) the existing nine Gateway parking spaces located in the Tonbridge Castle Grounds car park become available for general use and that they are subject to the same parking conditions and requirements for payment as the rest of the Castle Grounds car park;
- (7) the off-street parking tariffs be revised as stated in the report; and
- (8) with the exception of West Malling High Street, the Council's off-street parking charges be extended until 8pm and that the parking charges also be applied on Sundays and Bank Holidays, excluding Christmas Day, Boxing Day and New Years Day.

**subject to Capital Plan/fast-track evaluations*

Reasons: As set out in the report submitted to Cabinet on 2 April 2024.

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 5 April 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.

In accordance with the Overview and Scrutiny Procedure Rules, this decision was subject of a valid call-in and scrutinised by the Overview and Scrutiny Committee:	
Decision called-in:	8 April 2024
Reviewed by Overview and Scrutiny:	22 April 2024
Reviewed by Cabinet:	30 April 2024
Decision superseded by:	D240034(1)CAB

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet

Decision No: D240034(1)CAB

Decision Type: Key

Date: 30 April 2024

Decision(s) and Reason(s)

Call in of Executive Decision D240034CAB - Parking Proposals and Changes to On-street and Off-street Parking Fees and Charges

(Joint report of Director of Street Scene, Leisure and Technical Services, Director of Finance and Transformation and Interim Deputy Chief Executive)

In accordance with the Overview and Scrutiny Procedure Rules, decision D240034CAB was the subject of a call-in and was scrutinised by the Overview and Scrutiny Committee on 22 April 2024. Members of the Overview and Scrutiny Committee considered the grounds for the call-in and had regard to the responses provided by the Cabinet. After in-depth discussion and a formal vote the Overview and Scrutiny Committee recommended that decision D240034CAB be amended as set out in Minute Number OS 24/28.

Careful consideration was given to the recommendations of the Overview and Scrutiny Committee, the views of wider Members and the signatories of the petitions received in respect of 'Upper Castle Field' and the 'Extension of charging hours in Borough Council car parks'.

Due consideration was also given to the statements made at the meeting by community representatives, during which significant concern was expressed over the potential threat to the vibrancy and vitality of the community, the extension of the Upper Castle Field car park and the extension of charging hours until 8pm including Sundays and Bank Holidays and impact on local residents, business and visitors.

After careful consideration and having due regard to the financial and value for money considerations, Cabinet proposed a number of amendments to Decision No. D240034CAB which was superseded by Decision No. D240034(1)CAB.

RESOLVED: That

- (1) the following recommendations of the Joint Transportation Board of 4 March 2024, be approved:
 - (i) the proposals for Avebury Avenue, Tonbridge to remove the current on-street Pay and Display be approved, and that the on-street Traffic Regulation Order be amended to reflect the changes;

- (ii) the proposals for the introduction of on-street charges in West Malling High Street and Swan Street be introduced as drawn, with the inclusion of no charge for up to 1 hour of parking and that the on-street Traffic Regulation Order be amended to reflect the changes;
 - (iii) the proposal for the loading bay in West Malling High Street be introduced as drawn, the future level of enforcement and size of signs be reviewed, and the on-street Traffic Regulation Order be altered to reflect the changes; and
 - (iv) the changes to the on-street fees and charges be implemented as advertised and that the on-street Traffic Regulation Order be altered to reflect the changes;
- (2) the parking charges to Martin Square car park be introduced as stated in the report, subject to an amendment to no charge for up to 1 hour of parking and the reduction in the charge for a season ticket to £10 per month;
 - (3) the parking charges to Aylesford Bailey Bridge (East) and Bailey Bridge (West) car parks be introduced as stated in the report, subject to the reduction in the charge for a season ticket to £120 per annum and the inclusion of no charge for up to one hour of parking, with further consideration to be given to the provision of parking spaces for exclusive use by residents; however, the parking charges are not to be implemented until the extension of the Bailey Bridge (East) car park has been completed which is subject to Capital Plan/fast-track evaluation;
 - (4) the Bailey Bridge (East) car park be extended subject to Capital Plan/fast track evaluation;
 - (5) the current proposal to extend the Upper Castle Field car park not be agreed;
 - (6) the existing nine Gateway parking spaces located in the Tonbridge Castle car park become available for general use and they are subject to the same parking conditions and requirements for payment as the rest of the Castle Grounds car park;
 - (7) the off-street parking tariffs be revised as stated in the report;
 - (8) with the exception of West Malling High Street, the Council's off-street parking charges be extended until 8pm and that the parking charges also be applied on Sundays and Bank Holidays, excluding Christmas Day, Boxing Day and New Years Day; and
 - (9) there be no charge for up to 30 minutes of parking in the following short stay car parks in Tonbridge: Bradford Street, Castle Grounds, Kinnings Row, Lamberts Yard, River Lawn and Upper Castle Field.

Reasons: As set out in the report submitted to Cabinet on 2 April 2024 and the recommendations of the Overview and Scrutiny Committee of 22 April 2024.

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 2 May 2024

In accordance with Rule 15(h) of the Overview and Scrutiny Procedure Rules, this decision is not subject to call-in.

Decision Taken By: Cabinet
Decision No: D240035CAB
Decision Type: Key
Date: 02 April 2024

Decision(s) and Reason(s)

Tonbridge Town Centre Programme Manager

(Report of Interim Chief Executive)

Consideration was given to the appointment of a Programme Manager on a full-time 3 year fixed-term basis to co-ordinate the various town centre related projects, developing and managing a town centre wide programme and monitoring progress.

Due regard was given to the views of the Finance, Regeneration and Property Scrutiny Select Committee who supported the creation of a Tonbridge Town Centre Programme Board to oversee the wider work programme. The financial and value for money considerations detailed in 1.4 of the report were noted.

On the grounds of mitigating risks associated with having sufficient resource to progress the wide range of work, it was proposed by Cllr Boughton and seconded by Cllr Coffin that a Programme Manager be appointed.

RESOLVED: That

- (1) a Tonbridge Town Centre Programme Manager be appointed on a full-time 3 year fixed-term contract; and
- (2) the allocation of funds from the Regeneration of Tonbridge Reserve to meet the costs of the above appointment, be approved (as detailed in 1.4).

Reasons: As set out in the report submitted to Cabinet on 2 April 2024.

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 5 April 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: D240036CAB
Decision Type: Key
Date: 02 April 2024

Decision(s) and Reason(s)

Empty Homes

Consideration was given to recommendation HP 24/9 of the Housing and Planning Scrutiny Select Committee of 19 March 2024 in respect of empty homes in the borough, a new Local Government Association (LGA) report on dealing with empty homes and proposals for the introduction of a new Empty Homes Officer post.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised the importance of adopting measures to get empty properties back into use.

On the grounds of focusing attention, monitoring progress and exploring options for a longer-term approach, Cllr Boughton proposed, seconded by Cllr Coffin, the establishment of a fixed term Empty Homes Officer post. The creation of a budget of £30,000 to fund work that enabled the facilitation of empty homes being brought back into use was also supported.

RESOLVED: That

- (1) a two-year fixed-term Empty Homes Officer post 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 Homes Officer post.

Reasons: As set out in the report submitted to Housing and Planning Scrutiny Select Committee on 19 March 2024.

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 5 April 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: D230037CAB
Decision Type: Key
Date: 02 April 2024

Decision(s) and Reason(s)

Voluntary Sector Grants - Future Funding Options

(Report of Interim Chief Executive)

Cabinet considered a number of options in respect of future funding arrangements for key Voluntary and Community Sector Groups.

It was noted that in relation to offering lower amounts set over a longer period (detailed in Option 4), that organisations had been contacted to establish what service impacts could arise if this option was progressed.

Due regard was given to the responses received from the organisations (summarised in paragraph 1.2.3), the opportunity for voluntary and community sector groups to apply for UKSPF Community Development Grant funding from 1 March 2024 and the valuable work provided by these groups to support residents throughout the Borough.

Particular reference was made to the larger grant of £95,000 offered to CANWK which had remained static for several years. Despite the ongoing cost of living crisis meaning that their services were in high demand, it was prudent for the Borough Council to consider all value for money options. On the grounds that CANWK could apply for the UKSPF Community Development Grant, Cabinet supported a £5,000 reduction in funding with the security of a four-year Service Level Agreement.

RESOLVED: That

- (1) grant funding for Imago, Involve, Mediation Schemes and Age UK Sevenoaks and Tonbridge be reduced as detailed in Option 4 and set for a period of 4 years to provide additional stability;
- (2) a £5,000 reduction in grant funding be applied for CANWK with the security of a four-year Service Level Agreement; and
- (3) prior to the next review of the Service Level Agreements for Voluntary Sector grant funding in April 2028, that consideration be given to which organisations, if any, would be eligible.

Reasons: As set out in the report submitted to Cabinet on 2 April 2024.

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 5 April 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: D240038CAB
Decision Type: Key
Date: 02 April 2024

Decision(s) and Reason(s)

Procurement Support

(Report of the Management Team)

Careful consideration was given to a proposal to enter into an agreement with the Mid Kent Procurement Partnership to provide procurement support to the Borough Council.

Due regard was given to the options detailed in the report, which included the appointment of a dedicated officer and a partnership approach. The advantages and disadvantages of each option were detailed in Annex 3 to the report. It was felt that the in-house option did not provide adequate resource and represented less value for money than the partnership approach. The Management Team proposed to allocate funding from the Transformation Reserve if Cabinet supported the option to progress the partnership approach on a 2-year trial.

On the grounds that there was a risk to the Borough Council if it did not address the need for additional support in regard to procurement, as previously identified by the External Auditor, Cllr Boughton proposed, seconded by Cllr Coffin that the partnership approach be adopted.

RESOLVED: That

- (1) the Borough Council enter into a 2-year trial agreement with the Mid Kent Procurement Partnership; and
- (2) the 2-year trial agreement be funded from the Transformation Reserve.

Reasons: As set out in the report submitted to Cabinet on 2 April 2024

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 5 April 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: D240039CAB
Decision Type: Non Key
Date: 02 April 2024

Decision(s) and Reason(s)

Tonbridge Town Centre Asset Review - Phase 2

Consideration was given to recommendation FRP 24/4 of the Finance, Regeneration and Property Scrutiny Select Committee in respect of the Tonbridge Town Centre Asset Review.

Due regard was given to the detailed reports and assessments provided by the external consultant, Mace, together with the views expressed by the Scrutiny Select Committee.

It was suggested that the membership of the Town Centre Programme Board be the Cabinet Member for Climate Change, Regeneration and Property, Cabinet Member for Community Services, Councillors Athwal, Bridge, Hood and Mehmet.

RESOLVED: 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 and the membership of the Board as above, be noted;
- (3) the Borough Councils general approach to parking should be to provide unallocated parking spaces between the current 970 and anticipated future peak demand, on the grounds that the proposals from Sainsbury PLC and the potential provision of a hotel and medical practice were likely to attract greater numbers to the town;
- (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 that 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 for retail and commercial use around public spaces that provide flexible, simple units to optimise value be explored, and that the Borough

Council acts as landlord for any new retail units and ensures that the viability of current commercial businesses are not put at risk 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 that the Borough Council looks to incorporate this 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 remains sympathetic to the local area; and the extent and scope of this role 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 that the Tonbridge Town Centre Programme Board 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 becomes 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.

Reasons: As set out in the report submitted to Finance, Regeneration and Property Scrutiny Select Committee of 12 March 2024.

Signed Leader:

M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 5 April 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: D240040CAB
Decision Type: Non Key
Date: 02 April 2024

Decision(s) and Reason(s)

National Planning Policy Legislation Update

Consideration was given to recommendation HP 24/10 of the Housing and Planning Scrutiny Select Committee of 19 March 2024.

RESOLVED: 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.

Reasons: As set out in the report submitted to Housing and Planning Scrutiny Select Committee of 19 March 2024.

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 5 April 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: D240041CAB
Decision Type: Non Key
Date: 02 April 2024

Decision(s) and Reason(s)

Temporary Accommodation and Homelessness Consultancy Review

Consideration was given to recommendation HP 24/11 of the Housing and Planning Scrutiny Select Committee of 19 March 2024 in respect of a recent consultancy review of temporary accommodation and homelessness.

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 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.

RESOLVED: That

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

Reasons: As set out in the report submitted to Housing and Planning Scrutiny Select Committee of 19 March 2024.

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 5 April 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: D240042CAB
Decision Type: Key
Date: 02 April 2024

Decision(s) and Reason(s)

Gibson Building update

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

(Report of the Interim Chief Executive)

Consideration was given to the proposals to release the restrictive covenants on the Council’s Gibson site Title.

Cabinet had due regard to the financial and value for money considerations and legal implications and recognised that the proposals supported the Council’s corporate priority to provide efficient services for all residents, whilst maintaining an effective Council.

RESOLVED: That

- (1) a payment of £400,000 be made to Kent County Council for their agreement to remove the covenants affecting the Gibson site, as far as they benefitted Kent County Council and the remaining land held by Kent County Council at Kings Hill;
- (2) the costs of any VAT payable on the £400,000 due to Kent County Council be met by the Borough Council;
- (3) the costs of SDLT and legal fees be met by the Borough Council as set out in the report;
- (4) the taking out of indemnity insurance and its cost, be approved; and
- (5) £400,000 + VAT be allocated from the Budget Stabilisation Reserve to meet the costs associated with completing the matter.

Reasons: As set out in the report submitted to Cabinet of 2 April 2024.

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 5 April 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 EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Climate Change, Regeneration and Property

**Decision Number:
D240043MEM**

Date: 10 April 2024

Decision(s) and Reason(s)

UKSPF - GREEN RETROFIT SKILLS PROJECT

The Cabinet Member for Climate Change, Regeneration and Property resolved that:

- (1) the project outline and the next steps set out in the report (attached) **BE AGREED**; and
- (2) any minor amendments to the project required for the purposes of effective delivery **BE DELEGATED** to the Strategic Economic Regeneration Manager.

Reasons for decision:

The project will help contribute to the aims and objectives of our Corporate Strategy 2023-2027 by helping to support three of the four key priorities, namely – Sustaining a borough which cares for the environment; Improving housing options for local people and Investing in our local economy. The project also directly contributes towards the Climate Change Strategy and the Economic Development Strategy, both key Council strategies.

The Green Retrofit Skills Project, which will be delivered in partnership with Mid Kent College and Sevenoaks District Council, aims to provide a range of courses across a number of different levels in order to support the much-needed change within the construction industry to a focus on green retrofit.

With the domestic housing stock contributing roughly a third of carbon dioxide emissions in Kent, and a widening skills gap in delivering green retrofit, it is imperative that the upskilling and reskilling of our local workforce to rise to the challenge is supported through initiatives such as this to provide accessible training courses.

Signed Cabinet Member:	R Betts
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	11 April 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: D240044MEM
---	--

Date: 29 April 2024

Decision(s) and Reason(s)
APPROVAL TO EXTEND MEMORANDUM OF AGREEMENT WITH MEDWAY VALLEY COUNTRYSIDE PARTNERSHIP (MVCP) UNTIL APRIL 2029.
Following consideration of the Briefing Note (attached at Annex 1), the Cabinet Member for Community Services, RESOLVED that: (1) the Memorandum of Agreement between TMBC and MVCP should be extended to 3 April 2029.
Reasons for decision: In order to continue the Councils support for Medway Valley Countryside Partnership and its work within the Medway catchment in the Borough of Tonbridge & Malling. To support the delivery of the Councils Corporate Climate Change objectives by contributing to projects that strengthen and enhance the protection of species, habitats and ecosystems, as set out in the Councils Climate Change Action Plan. To maintain access to the specialist support that the Partnership are able to provide to the Council to support the management and enhancement of parks and public open spaces.

Signed Cabinet Member for Community Services:	D Keers
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	29 April 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: D240045MEM
--	------------------------------------

Date: 7 May 2024

Decision(s) and Reason(s)
THE USE OF PART OF THE ANGEL EAST CAR PARK TO ALLOW THE OPERATION OF A MOBILE PROSTATE CANCER SCREENING UNIT.
The Cabinet Member for Finance and Housing resolved that: (1) the Prostate Screening Unit be granted consent to occupy a small area of Angel East Car park on Saturday 18 May 2024 for the operation of a mobile screening unit at no charge.
Reasons for decision: Tonbridge and Malling Borough Council have previously successfully supported the health programmes in Tonbridge. The on-going support is required to improve and enhance the health of residents of Tonbridge.

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	9 May 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: D240046MEM
--	---------------------------------------

Date: 7 May 2024

Decision(s) and Reason(s)
TO APPOINT BLOOMFIELDS CHARTERED TOWN PLANNERS TO UNDERTAKE WORK ON A MASTERPLAN FOR TONBRIDGE FARM SPORTSGROUND.
The Cabinet Member for Community Services resolved that: (1) Bloomfields Chartered Town Planners be appointed to undertake work on a masterplan for Tonbridge Farm Sportsground.
Reasons for decision: The Council has identified Tonbridge Farm Sportsground as an area that has potential for further improvement opportunities that deliver: <ul style="list-style-type: none">• Accessible facilities for the whole community.• A sustainable future for Tonbridge Angels Football Club.• High quality play space for children and young people of all ages.• Appropriate levels of parking and access to the site for a range of users.• Changing facilities to support the users on site.• Sports pitches to meet the needs of the various sports and leagues utilising the site, with the opportunity for expansion of operations and facilities to bring new sports and users to the site.• A financially sustainable site. Companies provided submissions when tendering for the work which included: <ul style="list-style-type: none">• Production of two options of high-level master planning that consider;<ul style="list-style-type: none">– Provision, scale and location of identified uses (one option that considers reprovision of some uses from the Angel Centre and one that does not include these uses)– Site constraints and opportunities– Emerging Planning Policy– Delivery and phasing– High level financial model including opportunities for external funding opportunities and use of s.106 contributions.

Following evaluation of the tender submissions, Bloomfields Chartered Town Planners scored highest and were therefore appointed to undertake the work. The cost of the works is £14,750 to be funded from the Tonbridge Town Centre Reserve.

The complex nature of opportunities at Tonbridge Farm Sportsground requires external expertise to assist in creating a Masterplan to achieve the aims outlined above. Bloomfields Chartered Town Planners provided the best tender submission for this work.

Signed Cabinet Member for Community Services:	D Keers
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	16 May 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: D240047MEM
--	--

Date: 13 May 2024

Decision(s) and Reason(s)
UPGRADE TO INTEGRA CENTROS FINANCIAL MANAGEMENT SYSTEM
<p>The Council's Financial Management System, Integra, is one of three financial systems that affect all services within the authority. It records all the Council's financial transactions, is used by Services to pay Supplier Invoices, raise sundry debts for services received, provides budgetary control information and is used to prepare the Council's Statement of Accounts for approval on an annual basis.</p> <p>The system was initially installed in 1999 and has gone through two major changes affecting service users and improving the quality of information provided.</p> <p>Integra's software company Integrated Business Solutions Ltd, have informed us that they will cease the software support for the existing version of the software, known as Integra 2, from 31st March 2025. This means that any issues with the software, such as security vulnerabilities and bugs, will no longer be addressed and workarounds will be needed. A newer version of the system known as Integra Centros is available for the Council to move onto and offers additional features such as</p> <ul style="list-style-type: none">• Enhanced security and audit controls.• Refreshed user interface including responsive design and activity specific workspaces.• Extended reporting functionality including support for Power BI.• Support for multi-company / multi tenancy organisation. <p>The Director of Finance & Transformation and her accountancy team have carried out an assessment of the newer system and has carried out some soft market testing, using the G Cloud Framework, to assess the functionality of other systems on the market and their financial costs.</p> <p>The conclusion of this exercise was that an upgrade to Integra Centros would provide the best option to the Council both financially and operationally, as a prolonged implementation of new software could cause resources to be drawn away from other key corporate projects over the forthcoming year.</p> <p>Further to this, Services expressed a view for enhancements to the current software to aid service functionality. These enhancements were discussed with the provider who can offer the added functionality through additional modules.</p>

The IT team has confirmed that the approach is consistent with the IT & Digital Strategy.

Other local authorities who have implemented Centros have been contacted and no issues have been identified with either functionality or implementation of the software.

Project management on the upgrade will be run in-house with support from the Council's software supplier. The appropriate skill-set exists within the Accountancy team to undertake this role. The upgrade is likely to take several months and in order to avoid key dates for financial information, year end, the Council will push for as early an implementation date as possible.

In order to free up the resource for in-house project management, Management Team will be asked to consider temporary 'backfilling' to ensure that core work is maintained.

The upgrade to Centros will involve the base software, upgrades to current reporting software and the additional modules requested by Services; and will require a budget of £80,500 allowing for a small contingency for additional support from IBS Ltd if required. This does not include the cost of any potential "backfilling" of posts as set out above and will be dealt with separately.

In addition to this one-off cost there will be a slight increase in annual support/maintenance costs of around £2,800 per year which will be absorbed into the IT budget.

The Transformation Reserve is now made up of two distinct sub-funds following the Cabinet's decision to provide funds for wider transformation within the Council during the Budget cycle for 2024/25.

The budget of £80,500 for this upgrade can be met from the sub-fund set aside for digital enhancements to financial systems and it is recommended through this Decision Notice that the funding be provided accordingly.

After careful consideration of the options, the Cabinet Member for Finance and Housing RESOLVED that:

- (1) the Borough Council's Financial Management System (Integra) be upgraded to Integra Centros;
- (2) the budget of £80,500 to fund the upgrade be approved;
- (3) the budget for this upgrade be met from the sub-fund within the Transformation Reserve for digital enhancements to financial systems;
- (4) the slight increase in annual support/maintenance costs of around £2,800 per year, in addition to the one-off cost, be noted and absorbed into the IT budget; and
- (5) the need to meet the cost of any potential "backfilling" of posts to ensure continuous delivery of core service be noted.

Reasons for decision:

Without an upgrade to Integra Centros there is a risk that financial record keeping, and production of statutory documents could be hampered if the current software package fails after 31st March 2025. The software system upgrade can be funded from the earmarked Transformation Reserve.

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	16 May 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 Community Services	Decision No: D240049MEM
---	-----------------------------------

Date: 22 May 2024

<p>Decision(s) and Reason(s)</p> <p>Community Safety Partnership Plan 2024 - 2025</p> <p>(Report of Interim Chief Executive)</p> <p>The report presented a draft Community Safety Partnership Plan 2024/25, which gave details of the initiatives the Partnership had carried out during the previous year and set out details of the priorities for the forthcoming year.</p> <p>Particular attention was drawn to the six priorities set by the Partnership for 2024/25, as detailed in 1.1.4 of the report, and it was noted that an Action Plan had been developed with partners for each of the priorities, as part of the Partnership Plan, and would be progressed during the year and monitored by the Community Safety Partnership Strategy Group.</p> <p>Members welcomed the positive progress arising from the successful projects over the year and supported future actions as set out in the Plan for the next year.</p> <p>Following consideration by the Communities and Environment Scrutiny Select Committee, the Cabinet Member for Community Services resolved that:</p> <p>(1) the Community Safety Partnership Plan 2024/25, attached at Annex 1, be supported and endorsed.</p> <p>Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 22 May 2024.</p>
--

Signed Cabinet Member for Community Services:	D Keers
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	24 May 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 Climate Change, Regeneration and Property

Decision No:
D240050MEM

Date: 22 May 2024

Decision(s) and Reason(s)

Air Quality Management Area Status Updates and Recommendations

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

The report presented the monitoring results at the six Air Quality Management Areas (AQMAs) in the borough and recommended revocation of the M20 AQMA in accordance with the Local Air Quality Management (LAQM) Technical Guidance 2022 document (TG22), which provided the current statutory guidance as to how local authorities should comply with the relevant legislation to monitor and tackle air pollution.

Members noted that, according to the TG22, there should not be any declared AQMAs for which compliance with the relevant objective (annual mean NO₂ concentrations being lower than 36 µg/m³, i.e. within 10% of the annual mean NO₂ objective) had been achieved for a consecutive 5-year period, which had been the case for the M20 AQMA, and if the respective NO₂ levels remained consistent in 2024 in the case of the other AQMAs with the exception of the Wateringbury AQMA, they would also be recommended for review and revocation in 2025.

Furthermore, it was clarified that air quality monitoring across the borough, including within the current AQMAs, would continue following the revocation as recommended.

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

- (1) the M20 Air Quality Management Area be revoked; and
- (2) the status of the Air Quality Management Areas in Tonbridge High Street, Aylesford, Larkfield and Borough Green be acknowledged and reviewed again in 2025 with a view to revocation should monitoring results for 2024 be conducive.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 22 May 2024.

Signed Cabinet Member for Climate Change, Regeneration and Property:	R Betts
Signed Leader:	M Boughton
Signed Interim Chief Executive:	A Stanfield
Date of publication:	24 May 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: D240051MEM
--	--

Date: 29 May 2024

Decision(s) and Reason(s)
APPLICATION FOR HARDSHIP RELIEF
(Reason: LGA 1972 Sch 12A Paragraph 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information))
Following consideration of an application for hardship relief, the Cabinet Member for Finance and Housing RESOLVED that:
(1) in respect of the application from a named business, no hardship relief be awarded.
Reasons for decision:
(1) Financial information relating to the past 3 years showed that a lot of money had been invested in stock and fixed assets
(2) Company has been trading at a loss for the past 3 years

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Deputy Leader:	M Coffin
Signed Interim Chief Executive:	A Stanfield
Date of publication:	30 May 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: D240052MEM
--	--

Date: 29 May 2024

Decision(s) and Reason(s)
DEBTS FOR WRITE OFF
(Reason: LGA 1972 Sch 12A Paragraph 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)) Following a review of irrecoverable debts over £5,000, the Cabinet Member for Finance and Housing resolved that the items shown below be written off: (1) 5 council tax debts to the value of £29,523.62 (2) 4 business rate debts to the value of £53,351.90
Reasons for decision: (1) All options to recover the debts have been exhausted

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Deputy Leader:	M Coffin
Signed Interim Chief Executive:	A Stanfield
Date of publication:	30 May 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: D240053MEM
--	--

Date: 29 May 2024

Decision(s) and Reason(s)
APPLICATION FOR DISCRETIONARY RATE RELIEF
Following consideration of one new application for discretionary rate relief, the Cabinet Member for Finance and Housing resolved that: (1) in respect of the new application for Babons Cancer Support, 147 High Street, Tonbridge, Kent, TN9 1DH, 20% discretionary rate relief be awarded from 1 February 2024 and time limited to 31 March 2025
Reasons for decision: (1) an award of 20% discretionary rate relief seems appropriate for the services they provide, namely providing free counselling and support to cancer patients and their family/friends. (2) An award of 20% discretionary rate relief is consistent with other similar organisations. (3) Relief to be backdated to 1 February 2024 and time limited to 31 March 2025 which is consistent with previous awards of relief.

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Deputy Leader:	M Coffin
Signed Interim Chief Executive:	A Stanfield
Date of publication:	30 May 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: D240054MEM
---	---------------------------------------

Date: 29 May 2024

Decision(s) and Reason(s)
EXTENSION OF PILOT PROJECT – NATIONAL ENFORCEMENT SOLUTIONS
Following consideration of the options, detailed in the Cabinet Member Reasons Report (attached at Annex 1), the Cabinet Member for Transformation and Infrastructure, RESOLVED that: (1) The current pilot project for littering and fly tipping enforcement, with National Enforcement Solutions, be extended until 30 November 2024
Reasons for decision: On 7 February 2024, Members of the Communities & Environment Scrutiny Select Committee reviewed options for the levels of Fixed Penalty Notices that could be issued for fly tipping & littering offences following changes to the relevant legislation. Members of the Committee recommended to Cabinet that the maximum levels for fly tipping FPNs be increased to £1,000 and for littering FPNs to £500. Cabinet subsequently endorsed this recommendation on 13 February. However, it was recognised that the current Service Level Agreement National Enforcement Solutions did not allow for the system changes required for the increased FPN levels. As such Members agreed that the increases would be made at the start of any new contract arrangement. The Council has also recently entered into an agreement for the provision of procurement support with the Mid-Kent Procurement Service, with the contract signed off at the beginning of this month. This will now allow for officer to proceed with the procurement of the new enforcement service. As the current arrangement with NES is scheduled to end on 31 May 2024, it is necessary to extend the current pilot in order for officers to be able to develop contract documents and go out to tender for this service, adhering to procurement legislation and TMBC’s own procurement policy. The contract documents will include the provision for the increased FPN levels.

Signed Cabinet Member for Transformation and Infrastructure; and Deputy Leader	M Coffin
--	----------

Signed Interim Chief Executive:	Adrian Stanfield
Date of publication:	30 May 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: D240055MEM
---	---------------------------------------

Date: 29 May 2024

Decision(s) and Reason(s)
APPLICATIONS FOR REMOVAL OF COUNCIL TAX EMPTY PROPERTY PREMIUM CHARGE
<p>(Reason: LGA 1972 Sch 12A Paragraph 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information))</p> <p>Following consideration of two applications for discretionary relief, the Cabinet Member for Finance and Housing RESOLVED that:</p> <p>(1) in accordance with the Empty Homes and Second Homes Premium Policy 2024-25, premium charges for two properties be cancelled for the period 1 April 2024 to 31 March 2025 using discretionary powers under Section 13A(1)(c) Local Government Finance Act 1992.</p>
Reasons for decision:
<p>(1) Property 1 has been empty since 5 February 2023 following a fire that had left it severely damaged. The 12 month uninhabitable discount expired 4 February 2024 and the premium charge started 1 April 2024 as the property had been empty for over a year. Government will formally approve exceptions to the premium charge at some point this year, one of which is for uninhabitable properties. The premium charge is causing exceptional hardship to the taxpayer and preventing the property from being fully repaired.</p> <p>(2) Property 2 has been empty since the taxpayer died on 7 January 2022. Probate was granted on 13 June 2022, so the empty council tax charge became payable on 13 December 2022. The premium charge started 1 April 2024 as the property had been empty for over a year. Government will formally approve exceptions to the premium charge at some point this year, two of which would apply to this property (Properties undergoing probate and Properties that are being actively marketed for sale). The premium charge will reduce the proceeds of the sale of the property which is to be donated to charity.</p>

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Deputy Leader:	M Coffin
Signed Interim Chief Executive:	A Stanfield
Date of publication:	30 May 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: D240056MEM
--	--

Date: 29 May 2024

Decision(s) and Reason(s)
APPLICATION FOR REDUCTION OF COUNCIL TAX LIABILITY
(Reason: LGA 1972 Sch 12A Paragraph 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)) Following consideration of a taxpayer request to reduce a council tax debt, the Cabinet Member for Finance and Housing RESOLVED that: (1) in accordance with discretionary powers under Section 13A(1)(c) Local Government Finance Act 1992, council tax liability be reduced by £1,782.39.
Reasons for decision: (1) The taxpayer was expecting a refund of £1,782.39 in respect of payments they had made on a closed joint council tax account. Due to staff error, the refund was issued to their ex-partner. The taxpayer is unable to resolve the matter due to a domestic violence situation, so their new council tax account is to be credited by the amount of the refund to put them in the position they should have been in.

Signed Cabinet Member for Finance and Housing:	K Tanner
Signed Deputy Leader:	M Coffin
Signed Interim Chief Executive:	A Stanfield
Date of publication:	30 May 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: D240057CAB
Decision Type: Non Key
Date: 04 June 2024

Decision(s) and Reason(s)

Housing Association Performance Framework

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.

Reasons: As set out in the report submitted to the Overview and Scrutiny Committee of 4 April 2024.

Signed Deputy Leader: M Coffin

Signed Interim Chief Executive: A Stanfield

Date of publication: 6 June 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: D240058CAB
Decision Type: Non Key
Date: 04 June 2024

Decision(s) and Reason(s)

Risk Management

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.

Reasons: As set out in the report submitted to the Audit Committee of 15 April 2024.

Signed Deputy Leader: M Coffin

Signed Interim Chief Executive: A Stanfield

Date of publication: 6 June 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: D240059CAB
Decision Type: Non Key
Date: 04 June 2024

Decision(s) and Reason(s)

Tree Enforcement Protocol and Tree Preservation Order

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.

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 21 May 2024.

Signed Deputy Leader: M Coffin

Signed Interim Chief Executive: A Stanfield

Date of publication: 6 June 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: D240060CAB
Decision Type: Non Key
Date: 04 June 2024

Decision(s) and Reason(s)

Local Plan - Duty to Co-operate Update

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.

RESOLVED: That

- (1) the contents of the report and the legal requirement regarding the Duty to Co-operate as part of the Local Plan process be noted.

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 21 May 2024.

Signed Deputy Leader: M Coffin

Signed Interim Chief Executive: A Stanfield

Date of publication: 6 June 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: D240061CAB
Decision Type: Non Key
Date: 04 June 2024

Decision(s) and Reason(s)

Transfer Incentive Scheme

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

(1) the Transfer Incentive Scheme (at Annex 1) be approved.

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 21 May 2024.

Signed Deputy Leader: M Coffin

Signed Interim Chief Executive: A Stanfield

Date of publication: 6 June 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: D240062CAB
Decision Type: Non Key
Date: 04 June 2024

Decision(s) and Reason(s)

Graffiti Update

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 a 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.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 22 May 2024.

Signed Deputy Leader: M Coffin

Signed Interim Chief Executive: A Stanfield

Date of publication: 6 June 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: D240063CAB
Decision Type: Non Key
Date: 04 June 2024

Decision(s) and Reason(s)

Corporate Strategy Action Plan

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.

RESOLVED: That

- (1) the report be noted and the Corporate Strategy Action 2023/23 (attached at Annex 1) be noted; and
- (2) the Corporate Strategy Action Plan 2024/25 (attached at Annex 2) be approved.

Reasons: As set out in the report submitted to Cabinet of 4 June 2024.

Signed Deputy Leader: M Coffin

Signed Interim Chief Executive: A Stanfield

Date of publication: 6 June 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: D240064CAB
Decision Type: Non Key
Date: 04 June 2024

Decision(s) and Reason(s)

Tonbridge Town Centre Programme Board - Terms of Reference

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.

RESOLVED: That

- (1) the Terms of Reference for the Tonbridge Town Centre Programme Board (attached at Annex A) be approved.

Reasons: As set out in the report submitted to Cabinet of 4 June 2024.

Signed Deputy Leader: M Coffin

Signed Interim Chief Executive: A Stanfield

Date of publication: 6 June 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: D240065CAB
Decision Type: Key
Date: 04 June 2024

Decision(s) and Reason(s)

Adoption of the High Weald National Landscape Area of Outstanding Natural Beauty Management Plan 2024 - 2029

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.

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.

Reasons: As set out in the report submitted to Cabinet of 4 June 2024.

Signed Deputy Leader: M Coffin

Signed Interim Chief Executive: A Stanfield

Date of publication: 6 June 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: D240066CAB
Decision Type: Key
Date: 04 June 2024

Decision(s) and Reason(s)

Grounds Maintenance Contract

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

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

- (1) 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.

Reasons: As set out in the report submitted to Cabinet of 4 June 2024 (contains exempt information).

Signed Deputy Leader: M Coffin

Signed Interim Chief Executive: A Stanfield

Date of publication: 6 June 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.