

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