

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **CABINET**

### **MINUTES**

**Tuesday, 10th December, 2024**

**Present:** Cllr M D Boughton (Chair), Cllr M A Coffin, Cllr D Keers and Cllr K B Tanner

Cllrs L Athwal\*, M A J Hood\*, W E Palmer\* and M R Rhodes\* were also present pursuant to Access to Information Rule No 23.

Apologies for in-person attendance were received from Councillors R P Betts and M Taylor. However, they both participated via MS Teams.

(\*participated via MS Teams)

### **PART 1 - PUBLIC**

#### **CB 24/119 DECLARATIONS OF INTEREST**

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

#### **CB 24/120 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 12 November 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 24/121 REVIEW OF FEES AND CHARGES 2025/26**

(Decision Notice D240127CAB)

Consideration was given to recommendation FRP 24/22 of the Finance, Regeneration and Property Scrutiny Select committee of 19 November 2024 in respect of fees and charges for the provision of legal costs, photocopying charges, street name and numbering, land charges, Tonbridge Castle, events on open spaces, billboards and banners and Council Tax and Business Rates court costs with effect from 1 April 2025.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that in bringing forward the charging proposals for 2025/26 consideration had been given to a range of factors including the Borough Council's overall financial position, market position, trading patterns and the current rate of inflation and customer feedback.

**RESOLVED:** That

- (1) the proposed charges for legal costs, as set out in 5 of the report, be approved with effect from 1 April 2025;
- (2) the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate, as set out in 5.2 of the report, be retained;
- (3) the Fee Schedule for Street Naming and Numbering, as set out in 5.3 of the report, be rounded up to nearest £10 and adopted with effect from 1 April 2025;
- (4) the proposed scale of fees for local land charges searches and enquiries, as set out in 5.4 of the report, be adopted with effect from 1 April 2025;
- (5) the proposed fees and charges for 2025/26 related to Tonbridge Castle, as set out in 5.5 of the report, be approved with effect from 1 April 2025;
- (6) the proposed fees and charges for 2025/26 related to Open Spaces, as set out in 5.6 of the report, be approved;
- (7) authority be delegated to the Director of Central Services and Deputy Chief Executive to negotiate fees for individual commercial events on Council-owned land;
- (8) the proposed fees and charges for 2025/26 related to Billboards and Banners, as set out in 5.9 of the report, be approved; and
- (9) the amount of costs charged in 2025/26 to recover unpaid council tax and business rates debts remain at the 2024/25 levels, as set out in 5.10 of the report.

**CB 24/122 REVIEW OF FEES AND CHARGES FOR DISCRETIONARY PLANNING SERVICES**

(Decision Notice D240128CAB)

Consideration was given to recommendation HP 24/40 of the Housing and Planning Scrutiny Select Committee of 3 December 2024 in respect of fees and charges for discretionary planning services.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that in bringing forward the charging proposals for 2025/26 consideration had been given to a range of factors including the Borough Council's overall financial position, market position, trading patterns and the current rate of inflation and customer feedback.

**RESOLVED:** That

- (1) the updated Pre-application Charging Fee Schedule 2025/26 (attached at Annex 1) be adopted;
- (2) the updated Building Control Fee Schedule 2025/26 (attached at Annex 2) be adopted;
- (3) the updated High Hedges Fees (an increase to £540) as set out in paragraph 5.12 be adopted;
- (4) the updated charging fees for s106 monitoring and compliance (representing an increase to £460 for each obligation contained in the agreement) as set out 5.17-20 be adopted;
- (5) the updated Planning Performance Agreement template (attached at Annex 3) be included as a new Annex 1 to the PPA Protocol;
- (6) the updated Planning Performance Agreement charging schedule (attached at Annex 4) be adopted; and
- (7) the above proposed fees and charges be implemented with effect from 1 April 2025.

**CB 24/123 HMO AND CARAVAN SITE LICENSING FEE CHARGES FOR 2025/26**

(Decision Notice D240129CAB)

Consideration was given to recommendation HP 24/41 of the Housing and Planning Scrutiny Select Committee of 3 December 2024 in respect of fees and charges for HMOs and licensing of caravans with effect from 1 April 2025.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that in bringing forward the charging proposals for 2025/26 consideration had been given to a range of factors including the Borough Council's overall financial position, market position, trading patterns and the current rate of inflation and customer feedback.

**RESOLVED:** That

- (1) the proposed fee for licensing of HMOs (representing an increase of 3.5%) as detailed in 5.1.6 of the report be approved;
- (2) the proposed fee for caravan sites for permanent residential use (representing an increase of 3.5%) as detailed in 5.2.3 the report be approved
- (3) the proposed fees be implemented from 1 April 2025

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

#### **CB 24/124 LOCAL PLAN ENGAGEMENT STRATEGY AND ESTIMATED LOCAL PLAN BUDGET**

(Decision Notice D240130CAB)

Consideration was given to recommendation HP 24/42 of the Housing and Planning Scrutiny Select Committee of 3 December 2024 in respect of the Local Plan Engagement and Consultation Strategy.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and the legal implications and supported the commitment to regular dialogue with parish/town councils and communities via the Parish Partnership Panel and the Tonbridge Community Forum, welcomed the use of consultation/drop-in sessions; virtual exhibitions; a digital consultation platform and digital maps and recognised the benefits of collecting information on-line for easier assessment.

**RESOLVED:** That

- (1) the Local Plan Engagement and Consultation Strategy (attached at Annex 1) be approved;
- (2) the Engagement Programme (attached at Annex 2) be endorsed; and
- (3) the updates provided in relation to the Local Plan, including the likely increase in the annual budget allocation to the Local Plan

reserve that would be required to progress a Local Plan under a revised National Planning Policy Framework be noted.

### **CB 24/125 DATA PROTECTION POLICY**

(Decision Notice D240131CAB)

The report of the Cabinet Member for Finance and Housing and the Director of Central Services presented an updated Data Protection Policy for approval.

Consideration was given to the draft Policy, attached at Annex 1, which set out how the Borough Council intended to perform its statutory responsibilities and duties under the provisions of the UK GDPR and the Data Protection Act 2018.

**RESOLVED:** That

- (1) the Data Protection Policy (attached at Annex 1) be approved; and
- (2) the approved Data Protection Policy be published to the Borough Council's website.

### **CB 24/126 COMMUNITY GRANT SCHEME**

(Decision Notice D240132CAB)

Consideration was given to a proposed 50<sup>th</sup> Anniversary Community Grant Scheme as detailed in the report of the Cabinet Member for Community Services and the Chief Executive.

The grant guidelines, criteria and application process were set out in Annexes 1 and 2.

Over recent years the Borough Council had delivered two Community Development Grant Schemes using income provided by the UK Shared Prosperity Fund (UKSPF) which had been oversubscribed. This illustrated a local need for funding of smaller organisations and charities to enable them to deliver projects and support services that helped residents.

At the present time, there was no firm commitment for any future round of UKSP funding for 2025/26 or beyond. However, the Borough Council had agreed a sum of £87,000 to be allocated to support a one-off 50-year anniversary grant scheme. It was recommended that £50,000 be allocated to the Anniversary Grant Scheme with a further £37,000 ringfenced to support further community initiatives in 2025/26, potentially including phase 2 of the borough wide Community Enforcement Team pilot.

Cabinet had due regard to the financial and value for money considerations and the legal implications and welcomed the proposal for a one-off grant to coincide with the 50<sup>th</sup> anniversary year of the Tonbridge and Malling Borough Council.

**RESOLVED:** That

- (1) a 50<sup>th</sup> Anniversary Community Grant Scheme be launched with a budget of £50,000 with effect from 2 January 2025;
- (2) the Grant guidelines, criteria and application process, as set out in Annexes 1 and 2 be endorsed; and
- (3) £37,000 be ringfenced to support further community initiatives in 2025/26, including potentially phase 2 of the borough wide Community Enforcement Team Pilot.

### **CB 24/127 REVIEW OF TONBRIDGE COMMUNITY FORUM AND PARISH PARTNERSHIP PANEL**

(Decision Notice D240133CAB)

Consideration of recommendation OS 24/50 of the Overview and Scrutiny Committee of 14 November 2024 in respect of the operation of the Tonbridge Community Forum.

Cabinet had due regard to the views of the Committee, the financial and value for money considerations and legal implications and noted that there was a preference for in-person meetings with greater input from community groups and a more collaborative approach.

A preference for meetings to be held at the Tonbridge Methodist Church for a trial period to reduce costs associated with room hire and provision of audio-visual support was also noted. To provide clarity around open discussion (as set out in recommendation (3)) Cllr Boughton proposed that the words 'on that item' be added. This was seconded by Cllr Coffin and supported unanimously by Cabinet.

The views of the Parish Partnership Panel of 21 November 2024 would be considered by the Overview and Scrutiny Committee in due course.

**RESOLVED:** That

- (1) the venue for Tonbridge Community Forum be moved to Tonbridge Methodist Church on a trial basis for all meetings in 2025;
- (2) all Meetings of the Tonbridge Community Forum be held in person on a trial basis in 2025;

- (3) following a topic or item raised at Tonbridge Community Forum a section should be dedicated to open discussion on that item to provide an opportunity for all members to discuss and respond to the matter; and
- (4) it be noted that the views of the Parish Partnership Panel would be considered by the Overview and Scrutiny Committee in due course.

### **CB 24/128 PROCUREMENT STRATEGY**

(Decision Notice D240134CAB)

Consideration was given to recommendation FRP 24/23 of the Finance, Regeneration and Property Scrutiny Select Committee of 19 November 2024 in respect of a draft Procurement Strategy.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and the legal implications and recognised that the Strategy not only ensured that best value from Borough Council contracts was achieved but mitigated the level of risk related to procurement on the Corporate Risk Register.

In addition, it was reported that Member training on procurement issues would be arranged, an action plan would be developed and an annual report on progress being made on procurement would be presented to the Audit Committee.

**RESOLVED:** That

- (1) the draft Procurement Strategy, attached at Annex 1, be adopted; and
- (2) the Borough Council's list of contractors be made available to parish/town councils.

### **CB 24/129 DEBT COLLECTION PRACTICES - POTENTIAL PILOT WITH REACHOUT**

(Decision Notice D240135CAB)

Consideration of recommendation FRP 24/24 of the Finance, Regeneration and Property Scrutiny Select Committee of 19 November 2024 in respect of debt collection practices and the challenging financial position faced by many residents.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and the legal implications and supported the proposal for a pilot scheme to be

commissioned with ReachOut to engage with residents struggling with debt.

**RESOLVED:** That

- (1) a pilot scheme of up to 500 cases be approved and ReachOut be commissioned to engage with residents struggling with debt, as set out in 7 of the report, and reconnect those residents with the Borough Council's teams in order to resolve their debts;
- (2) a review of the Corporate Debt Recovery Policy be approved to reflect the more challenging financial position of residents; and
- (3) a statement be made highlighting the positive actions being taken by the Borough Council to engage with residents and re-emphasising that referrals to bailiffs were only done as a last resort and that a reduction in the need to use bailiffs would be targeted.

**CB 24/130 TREE PROTOCOL UPDATE**

(Decision Notice D240136CAB)

Consideration was given to recommendation HP 24/43 of the Housing and Planning Scrutiny Select Committee of 3 December 2024 in respect of options to address the backlog in dealing with Tree Preservation Order (TPO) requests.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and the legal implications. Whilst supportive of the recommendation to engage an external consultant (as detailed in Option A) Cabinet were mindful that an estimated one-off cost of £29,000 funding had yet to be identified.

On the grounds of reducing the backlog and providing an effective and efficient service, Cllr Boughton proposed, seconded by Cllr Tanner that the estimated cost of £29,000 be built into the forward estimates for 2025/26 as a one-off cost.

**RESOLVED:** That

- (1) a consultant be sought to work on reducing the backlog of Tree Preservation Order requests (Option A), as detailed in 5.3 – 5.7 of the report; and
- (2) the estimated cost of £29,000 be built into the forward estimates for 2025/26 as a one-off cost.



**MATTERS SUBMITTED FOR INFORMATION****CB 24/131 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 24/132 NOTICE OF FORTHCOMING KEY DECISIONS**

The Notices setting out Key Decisions anticipated to be taken during December to January 2024/25 and January to February 2026 were noted.

**CB 24/133 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 24/134 PROPOSED LEASE OF RESIDENTIAL APARTMENTS IN TONBRIDGE FOR USE AS TEMPORARY ACCOMMODATION**

(Reasons: Private – LGA 1972 Sch12A Paragraph 3 – Financial or business affairs of any particular person)

(Decision Notice D240137CAB)

Consideration was given to recommendation HP 24/53 of the Housing and Planning Scrutiny Select Committee of 3 December 2024 in respect of a proposed lease of residential apartments for use as temporary accommodation in Tonbridge.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and the legal implications. The details of the terms of the lease and costs assumed in the financial modelling set out in 5.5 and 7.3 of the report to the Scrutiny Select Committee were also noted.

On the grounds that the ongoing costs associated with providing temporary accommodation was one of the Borough Council's most challenging financial issues, the Cabinet supported the recommendation.

With regard to a request to pursue an 'option to buy' clause as part of the lease arrangement the freeholder had indicated an unwillingness to progress this course of action.

**RESOLVED:** That

- (1) the terms of the lease for 19 residential apartments in the High Street, Tonbridge to serve as temporary accommodation, as set out in the report, be approved; and
- (2) the one-off setup costs and tax liability to be funded from an appropriate budget to be identified in liaison with Finance Services be agreed.

The meeting ended at 8.02 pm