

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 4th March, 2025

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

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

(*participated via MS Teams)

PART 1 - PUBLIC

CB 25/27 DECLARATIONS OF INTEREST

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

CB 25/28 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 11 February 2025 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 25/29 UK SHARED PROSPERITY FUND 2025/26

(Decision Notice: D250016CAB)

Consideration was given to proposals for the allocation of the UK Shared Prosperity Fund (UKSPF) for 2025/26 as detailed in Table 1 at 5.4 of the report.

The programme took a balanced approach, aimed to deliver under each of the three UKSPF priorities, allocated funding towards strategic priorities and delivered considerable tangible benefits to communities.

Particular reference was made to the Rural England Prosperity Fund which had helped to support rural communities and businesses. Whilst the Department for the Environment, Food and Rural Affairs (DEFRA)

had recently announced further funding for 2025/26, there was uncertainty around the amount to be received. It was proposed that when the Rural England Prosperity Funding became available it be used for further rounds of the West Kent Rural Grant Scheme.

Cabinet had due regard to the views of the Finance, Regeneration and Property Scrutiny Select Committee, the financial and value for money considerations and noted that there should be minimal delays in progressing the programme at the start of the financial year.

Cllr Coffin proposed, seconded by Cllr Betts and Cabinet

RESOLVED: That

- (1) the proposed UKSPF Programme for 2025/26, as set out in Table 1 be approved;
- (2) delegated authority be given to the Strategic Economic Regeneration Manager, in liaison with the Cabinet Member for Climate Change, Regeneration and Property, to make minor amendments to the programme that might be needed in the event of project underspend; and
- (3) the use of any additional Rural England Prosperity Fund for 2025/26 (allocation amount to be confirmed) for further rounds of the West Kent Rural Grants Scheme be approved.

CB 25/30 LOCAL DEVELOPMENT SCHEME

(Decision Notice:D250017CAB)

Consideration was given to the recommendations of the Housing and Planning Scrutiny Select of 12 February 2025 in respect of a revised Local Development Scheme (LDS) which had been updated to account for the delay of the Regulation 18 Local Plan consultation.

In accordance with the timeframe provided by Government following the publication of the revised National Planning Policy Framework, local authorities were required to update their LDS and submit the timetable by 6 March 2025.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money implications, gave careful consideration to the risks associated with the delivery of the Local Plan and welcomed the proposed timescales to undertake the second stage of Regulation 19 Local Plan consultation in October 2025.

In accordance with Overview and Scrutiny Procedure Rule and given the requirement to submit the LDS by 6 March 2025, the Chair of Overview and Scrutiny Committee and the Group Leaders had consented to the

'suspension' of the call-in procedure to prevent any delay seriously prejudicing the Council's or the public's interest. This collaborative approach was welcomed by Cabinet.

Cllr Taylor proposed, seconded by Cllr Boughton and Cabinet

RESOLVED: That the updated Local Development Scheme (February 2025) attached at Annex 1, be approved.

CB 25/31 LOCAL PLAN BUDGET PROPOSAL

(Decision Notice: D250018CAB)

Consideration was given to the recommendations of the Housing and Planning Scrutiny Select Committee of 12 February 2025 in respect of estimated costs for local plan production up to Local Plan adoption (end of 2027/28).

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and supported progressing the green belt extension feasibility study at West Malling, the Green Gap study and an extended green belt extension feasibility study for an additional piece of land up to the railway line and Wateringbury Road, East Malling.

In addition, Cabinet supported not progressing a Borough wide Design Code requiring a budget of £260,000 within the current Local Plan budgetary period given that Design Code work was not programmed until post Local Plan submission and adoption, there was uncertainty as to what a design code would be required to entail and the uncertainty around devolution and local government reorganisation.

It was also noted that the identification of parking standards for the Borough was not due to progress until much later in the plan making process. However, it was recognised that this was an important area of work and would be progressed alongside any future design-code work once the Local Plan was further developed. As a result, it was noted that further financial provision, including that related to a future Borough-wide Design Code/Parking Standards, would need to be considered alongside other competing budget demands for the authority as part of the future budget setting process for the Borough Council and Medium-Term Financial Strategy.

Particular reference was made to the Borough Council's successful bid to Government for funding to support green belt studies which had resulted in a £70,000 grant allocation. Further government funding to support Local Plan work would continue to be bid for.

Cllr Boughton proposed, seconded by Cllr Coffin and Cabinet

RESOLVED: That

- (1) the additional pressure on the Borough Council's overall budget as a result of the requirements to deliver a new Local Plan, in accordance with the revised National Planning Policy Framework, and a consequential shortfall in the Planning reserve from 2026/27, be noted:
- (2) the following evidence base studies be progressed:
 - a. Green Belt extension at West Malling (£30K)
 - b. Green Gap study (£15K)
- (3) the budget requirement of £260,000 to progress a Borough-wide Design Code not be progressed within the current Local Plan budgetary period; and
- (4) the additional budget requirements of the Local Plan as set out in Table 3, and in addition the budget requirements for a Green Gap Study (£15k) and a Green Belt Extension Study (£30k), as well as an additional budget to progress an additional piece of land in the Green Belt Extension Study up to the railway line and Wateringbury Road, East Malling at an additional estimated cost of approximately £50-£70k, be approved.

EXECUTIVE NON-KEY DECISIONS**CB 25/32 TEMPORARY ACCOMMODATION CHARGING POLICY**

(Decision Notice: D250019CAB)

Consideration was given to the new Policy (attached at Annex 1) setting out the principles to be used when charging rent for Temporary Accommodation.

The Policy would apply to all temporary accommodation provided by the Borough Council in connection to discharging a homelessness function or to prevent a person from becoming homeless. It also aimed to ensure that government legislation was adhered to when setting rents, that rents were fair and affordable and, where appropriate, set in line with regulatory or statutory guidance and that all information was set out in a clean and transparent way.

Cabinet had due regard to the financial and value for money considerations, legal implications and noted that the proposed Policy sought to partly offset the significant cost of temporary accommodation for the Borough Council by maximising the income from Housing Benefit subsidy, ensuring that the rental charge for each type of accommodation reflected the correct principles for the amount of subsidy that could be claimed in each case. It was also noted that the proposed Policy set out

a rental level with regard to Housing Benefit subsidy regulations, ensuring that subsidy could be correctly and lawfully claimed where appropriate.

Cllr Tanner proposed, Cllr Boughton seconded and Cabinet

RESOLVED: That the new Temporary Accommodation charging policy (attached at Annex 1) be approved with effect from 1 April 2025.

CB 25/33 ANTI-SOCIAL BEHAVIOUR ENFORCEMENT TEAM REVIEW

(Decision Notice: D250020CAB)

The report of the Director of Central Services and Cabinet Member for Community Services invited Cabinet to consider the outcome of the Anti-Social Behaviour (ASB) Enforcement team trial during April to September 2024 and whether the Team should be recommissioned for 2025.

Details of the 2024 operation, including incidents reported, were set out at 4.1 to 4.8 of the report.

Cabinet welcomed the positive impact of the ASB Enforcement Team which had resulted in a high-profile, visible and reassuring presence to residents, local businesses, interested parties and visitors to the Borough.

Members were also pleased that the work of the ASB Enforcement Team had been recognised and resulted in them being finalists in the iESE Public Sector Transformation Awards 2025 in the Working Together category.

Due regard was given to the financial and value for money implications with particular attention given to the estimated cost of £83,000 of recommissioning the Team for 2025 as detailed in 6.2 of the report. Responses from parish/town councils to an invitation to contribute to funding the initiative were noted, as detailed in 6.6 of the report. A minor amendment to the proposed period of operation during 2025 was noted and the end date would be 2 November 2025.

On the grounds of improving coverage across the Borough, Cllr Keers proposed that any operation during 2025 should be comprised of 4 officers. This was seconded by Cllr Boughton and supported by Cabinet.

RESOLVED: That

- (1) the Anti-Social Behaviour Enforcement Team be recommissioned to operate across the Borough for six months from Wednesday 7 May until Sunday 2 November 2025;

- (2) the Anti-Social Behaviour Enforcement Team should be comprised of 4 Officers;
- (3) the appropriate funding arrangements for recommissioning the team be approved from:
 - i. £37,000 to support further community initiatives in 2025/26, as agreed by Cabinet on 10 December 2024;
 - ii. £45,000 from the UK Shared Prosperity Fund 2025/26;
 - iii. Any funding received from Parish or Town Councils to be deducted from the proposed allocation from the UK Shared Prosperity Fund 2025/26.
- (4) the Head of Service for Licensing, Customer Services and Community Safety undertake the required invitation to quote in accordance with the Contract Procedure Rules, with any final decision to appoint the successful contractor made by the Cabinet Member for Community Services.

MATTERS SUBMITTED FOR INFORMATION

CB 25/34 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 25/35 NOTICE OF FORTHCOMING KEY DECISIONS

The Notice setting out the Key Decisions anticipated to be taken during April and May 2025 was noted.

CB 25/36 EXCLUSION OF PRESS AND PUBLIC

The Chair moved, it was seconded by Cllr Coffin and

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

PART 2 - PRIVATE**DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION****EXECUTIVE KEY DECISIONS****CB 25/37 BUILT ENVIRONMENT AND PUBLIC PROTECTION SOFTWARE SYSTEM**

(Reasons: Part 2 – Private: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Decision Notice: D250021CAB)

The report of the Director of Planning, Housing and Environmental Health, Director of Finance and Transformation and the Cabinet Member for Finance and Housing provided an update on the strategic and operational issues related to the implementation of the Agile software and set out proposals for addressing the further delays and growing concerns with the project.

After careful consideration of the detailed risk assessment and analysis of a number of options set out in the report, the financial and value for money considerations and the legal implications, Cabinet supported the proposals presented.

Cabinet and the Chief Executive recorded appreciation to the Business Change Project Manager and the Director of Planning, Housing and Environmental Health for their significant effort in addressing problems, supporting staff and managing the project. The significant contribution of all staff involved in the implementation project was also recognised and their views had been taken into consideration.

Finally, Cabinet welcomed the commissioning of a further independent review which would be delivered by the Borough Council's audit function at Kent County Council. This would engage with all project stakeholders, consider lessons learnt and key outcomes and provide a detailed report to the Overview and Scrutiny Committee.

Cllr Tanner proposed, Cllr Coffin seconded and Cabinet

RESOLVED: That

- (1) the detailed assessment of the financial, technical, operational and strategic issues associated with the implementation of an updated software system for the Built Environment and Public Protection teams be noted;

- (2) authority be delegated to the Director of Finance and Transformation, in consultation with the Cabinet Member for Finance and Housing, to manage the contractual changes agreed and as summarised in the report;
- (3) authority be delegated to the Director of Finance and Transformation, in consultation with the Cabinet Member for Finance and Housing and the Management Team, to manage the future delivery of a Built Environment and Public Protection software system to best deliver services to residents and customers as detailed in the report;
- (4) other contractual, procurement and funding matters be agreed as detailed in the report; and
- (5) it be noted that an independent review of the Agile project had been commissioned through the Kent County Council Internal Audit team and that the results of this review would be reported to the Overview and Scrutiny Committee with any recommendations being considered by Cabinet.

CB 25/38 LOCAL AUTHORITY HOUSING FUND

(Reasons: Part 2 – Private: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Decision Notice D250022CAB)

Member approval was sought to sign an addendum to the Memorandum of Understanding with the MHCLG to accept additional funding under the Local Authority Housing Fund (LAHF) and to agree the approach to provision of the large resettlement property. In addition, it was recommended that to meet the LAHF requirement for a large resettlement property to be provided in 2024/25 one of the four bedroom properties owned by the Borough Council in Pembury Road be utilised.

In accordance with Overview and Scrutiny Procedure Rule and given the requirement to meet the deadlines set by Government, the Chair of Overview and Scrutiny Committee and the Group Leaders had consented to the 'suspension' of the call-in procedure to prevent any delay seriously prejudicing the Council's or the public's interest. This collaborative approach was welcomed by Cabinet.

Cabinet had due regard to the financial and value for money considerations, the legal implications and on the grounds of improving housing options for local people whilst protecting outdoor areas of importance and supporting delivery of temporary accommodation and reducing revenue expenditure on provision, Cllr Tanner proposed, Cllr Boughton seconded and Cabinet

RESOLVED: That

- (1) the acceptance of the additional Local Authority Housing Fund Round 3 funding be approved;
- (2) the signing of the addendum to the Memorandum of Understanding be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Director of Finance and Transformation; and
- (3) the transfer/change of use of one of the Pembury Road properties as a large resettlement property under the LAHF Scheme be approved.

EXECUTIVE NON-KEY DECISIONS**CB 25/39 TONBRIDGE TOWN CENTRE PROGRAMME BOARD - MINUTES OF 24 JANUARY 2025**

(Reasons: Part 2 – Private: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Decision Notice: D250023CAB)

The report of the Director of Central Services and Cabinet Member for Climate Change, Regeneration and Property presented the recommendations of the Tonbridge Town Centre Programme Board of 24 January 2025 (attached at Annex 1).

Cabinet had due regard to the recommendations of the Programme Board, the financial and value for money considerations and the legal implications and recognised that in order to progress the Angel Centre project an appointment was needed so that the subsequent RIBA stages, including design and construction, could be delivered.

Members were assured that project spend would be carefully monitored and reviewed and on the grounds of supporting the regeneration of Tonbridge Town Centre, Cllr Betts proposed, Cllr Coffin seconded and Cabinet

RESOLVED: That

- (1) the Tonbridge Town Centre Programme Board minutes of 24 January 2025 be noted; and
- (2) the UK Leisure Framework procurement route, with additional measures in place for supplier selection, be used in connection with the replacement Angel Centre as recommended by the Programme Board.

The meeting ended at 8.26 pm