

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 20th May, 2025

Present: Cllr D W King (Chair), Cllr Mrs S Bell (Vice-Chair), Cllr G C Bridge, Cllr R W Dalton, Cllr D A S Davis, Cllr P M Hickmott, Cllr M A J Hood, Cllr R W G Oliver, Cllr W E Palmer, Cllr R V Roud, Cllr K B Tanner and Cllr Mrs M Tatton (substitute).

Cllrs A G Bennison, R P Betts, S Crisp*, D Keers*, Mrs A S Oakley*, M R Rhodes* 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 D Thornewell and C J Williams.

HP 25/17 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr M Tatton substitute for Cllr D Thornewell

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 25/18 DECLARATIONS OF INTEREST

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

HP 25/19 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 18 March 2025 be approved as a correct record and signed by the Chair.

HP 25/20 PLANNING ADVISORY SERVICE (PAS) REVIEW

The presentation of the Head of Planning advised Members that the Annual Service Delivery Plan 2025/26 required an Independent Planning Advisory Service Review to be completed by September 2025, an Action Plan for improvement to be developed by October 2025 and fully delivered by March 2026.

The review, scheduled to start in early July and completed by the end of September to coincide with changes in planning fees, the Planning and Infrastructure Bill and updates to National Planning Policy Framework, aimed to assess the planning function against five key themes of vision and leadership, performance management, community engagement, stakeholder engagement and achieving outcomes.

Particular reference was made to the importance of engaging with a wide range of stakeholders, including developers, agents, resident groups, statutory consultees, parish/town councils and councillors. The plan for member engagement was outlined and included interviews with Group Leaders and Area Planning Committee Chairs with a focus on proportional representation across political parties.

Members welcomed the review as an opportunity to identify best practice and areas of improvement. However, concern was also expressed about the process including the potential for justifying a single planning committee, the need for individual member input and the need for a transparent and inclusive review process. At the suggestion of the Committee, consideration would be given to setting up an email address for the Peer Review team so that Members could provide comments if they were not on the interview list.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 25/21 HOUSING STRATEGY UPDATE AND DRAFT YEARS 4 AND 5 ACTION PLAN

(Decision Notice D250042MEM)

The report of the Director of Planning, Housing and Environmental Health presented a draft Action Plan for years 4 and 5 (2025-2027) of the Housing Strategy (attached at Annex A).

Members were reminded that the Housing Strategy 2022-2027 set out the Borough Council's priorities and strategic approach to housing in the borough. Objectives for each priority in the Strategy were delivered and monitored through annual action plans.

Attention was drawn to the key priorities for years 4 and 5 including the development of a Homelessness and Rough sleeper Action Plan, development and implementation of a pro-active approach to tackling Empty Homes and revising and improving the Private Landlord offer. Members welcomed proposals in respect of establishing a local housing company to look at council owned provision and the progress being made on empty homes.

It was proposed by Cllr King, seconded by Cllr Davis and

***RECOMMENDED:** That the draft Action Plan for years 4 and 5 be adopted.

***Decision taken by Cabinet Member**

HP 25/22 LOCAL LETTINGS PLAN (LLP) POLICY

A new Policy setting out an approach to Local Lettings Plans (LLPs) for affordable housing in partnership with Registered Providers was outlined and attached at Annex A. A Local Lettings Plan template was also attached at Annex B.

The implementation of the proposed Policy would deliver a consistent approach to the use of LLPs on new affordable housing delivery. The process for shortlisting was detailed in 5.2 of the report and priority would be given to households with a local connection and aimed for 50% of lettings to economically active households.

Due regard was given to the financial and value for money considerations, the assessed risk and legal implications outlined in the report. Members sought clarification on the 'economically active' criteria with particular reference made to single parent households. It was explained that economically active was defined by permanent paid employment or work-based training and there was no special exemption for single parent households.

It was proposed by Cllr King, seconded by Cllr Palmer and

***RECOMMENDED:** That

- (1) the Local Lettings Plan Policy and template (attached at Annexes A and B respectively), including amended ward groupings into sub-housing market areas (as set out 5.3 of the report) be approved; and
- (2) delegated authority be given to the Director of Planning, Housing and Environmental Health, in liaison with the Cabinet Member for Housing, Environment and Economy, to make any minor amendments to the Local Lettings Plan Policy and/or template as experience in using them developed further.

***Recommended to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

HP 25/23 SECTION 106 PROCESS

The report explained the process of how Section 106 agreements were initiated, negotiated, implemented and monitored within Tonbridge and

Malling. It also looked at affordable housing definitions to provide clarity on what was sought within s106 agreements.

The Section 106 Protocol was attached at Annex 1 and set out best practice guidance on managing a s106 obligation.

Particular reference was made to the recent Hadlow Manor appeal which progressed to non-determination due to delays in drafting the section 106 agreement and resulted in the inspector allowing the appeal.

Members sought clarification on how s106 contributions were allocated and whether ward members/parish councils were consulted. The need for transparency and adherence to legal tests was emphasised. Measures to provide better evidence of requirements and ensure better distribution of funds were being introduced. The importance of Parish Instructure Statements was highlighted and parish/town councils would be reminded to submit one via the Parish Partnership Panel. In addition, there were regular meetings with outside bodies, such as the Integrated Care Board, to discuss potential projects. Unfortunately, if s106 money was not utilised it was refunded to the developer.

There was in-depth discussion on social and affordable rents and concern was expressed that affordable rent did not meet the social need. The challenges for Registered Providers around social rent were discussed and noted.

HP 25/24 WORK PROGRAMME 2025/26

The Work Programme setting out matters to be scrutinised during the next year was attached for information. Members were invited to suggest future matters for the 2025/26 Programme and the following was identified:

(1) Service Management Plans and Resident Management Companies

Proposed by Cllr Davis, seconded by Cllr Oliver and supported by the Committee as service management fees could become a burden on homeowners. Consideration to be given as to whether this matter could be scrutinised effectively by the Housing and Planning Scrutiny Select Committee given the lack of expertise on this area within the Borough Council.

Other matters could be raised by liaising with the Chair of the Committee and the Scrutiny Officer.

MATTERS FOR CONSIDERATION IN PRIVATE

HP 25/25 EXCLUSION OF PRESS AND PUBLIC

The Chair 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 RECOMMENDATION TO THE CABINET

HP 25/26 TEMPORARY ACCOMMODATION PROJECT

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

The report set out proposals for a temporary accommodation project to help meet the Borough Council's requirements to mitigate and manage homelessness.

Due regard was given to the proposal presented, the financial and value for money considerations, including the use of external funding and the assessed risk and legal implications detailed in the report.

Members supported the proposal in principle as the importance of improving housing options for local people, whilst protecting outdoor areas, was recognised. Delivering a temporary accommodation scheme on previously utilised land allowed the Borough Council to mitigate costs, have management control and did not require the development of a greenfield site. Whilst there was some concern that the preferred site might not be the most suitable location due to lack of public transport and amenities, the feasibility study indicated that these were available.

It was noted that any Capital Plan Evaluation for the proposals would be presented to Council for consideration.

Cllr King proposed, seconded by Cllr Tanner and

***RECOMMENDED:** That

- (1) the feasibility study attached at Annex 2 to the report be endorsed;
- (2) the procurement approach and timetable detailed in the report be approved by the Cabinet; and

- (3) the proposals for a temporary accommodation scheme within the Borough, as detailed in the report, be approved by the Cabinet.

***Recommended to Cabinet**

The meeting ended at 10.21 pm