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TONBRIDGE & MALLING
BOROUGH COUNCIL

EXECUTIVE SERVICES

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9 July 2024

Dear Councillor

COUNCIL - TUESDAY, 9TH JULY, 2024 – SUPPLEMENT 1

I am now able to enclose, for consideration at the Tuesday, 9th July, 2024 meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No Item

5. **Election of Member for Judd Ward, Tonbridge** (Pages 3 - 4)
Report of Chief Executive and Returning Officer
8. **Questions from Members pursuant to Council Procedure Rule No 5.5** (Pages 5 - 8)
 - 24/003 – Impact of the Decision to Extend the Off-street Car Parking ChargesResponse of Cabinet Member attached
11. **Political Balance Arrangements** (Pages 9 - 12)
Report of Director of Central Services and Deputy Chief Executive

Yours sincerely

DAMIAN ROBERTS
Chief Executive

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TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

9 July 2024

Report of the Chief Executive and Returning Officer

Part 1- Public

Matters For Information

1 ELECTION OF BOROUGH COUNCILLOR FOR JUDD WARD

1.1 Result of By-Election

1.1.1 Following the creation of a vacancy of Borough Councillor for the Judd Ward, caused by the resignation of Cllr George Hines, an election was held on Thursday 4 July 2024.

1.1.2 The result of the election was as follows:-

Michelle Fallaize	Liberal Democrat	387
Jenny Lewis	Conservative	787
Stacey Dean Pilgrim	The Green Party	2051

1.1.3 The turnout at the election was 68.49%.

1.1.4 Mr Stacey Pilgrim was therefore elected to serve as Councillor for the Judd Ward until the next scheduled Borough Council elections in May 2027. Cllr Pilgrim has duly made their declaration of acceptance of office.

1.2 Legal Implications

1.2.1 In accordance with LGA 1972 s83, elected individuals cannot act as a councillor, including attending and voting at meetings, until a declaration of acceptance of office has been signed. This declaration must be made within 2 months from the date of the election. If this deadline is not met, the seat will be declared vacant and a by-election will be held.

1.2.2 In accordance with the Tonbridge and Malling (Electoral Changes) Order 2022 the Borough Council is required to have 44 elected members representing 19 electoral wards.

1.3 Financial and Value for Money Considerations

1.3.1 A councillor receives a basic allowance under the Members Allowance Scheme. This does not represent budget growth as it replaces the allowance previously paid to the resigned councillor.

1.4 Risk Assessment

1.4.1 None.

1.5 Equality Impact Assessment

1.5.1 None required.

Background papers:

Nil

contact: Daune Ashdown
Allison Parris

Damian Roberts
Chief Executive and Returning Officer

COUNCIL

9 July 2024

AGENDA ITEM 8 – QUESTION ASKED PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

The following question (24/003) has been asked pursuant to Council Procedure Rule No 5.5 by Councillor J Clokey:

‘Can the Cabinet Member for Transformation & Infrastructure detail the nature and output of any research, analysis and/or modelling (both quantitative and/or qualitative) performed to in relation to the impact of the decision to extend off-street car parking charges in Executive Decision D240034(1)CAB (including any analysis originally related to the proposals in decision D240034CAB), including specifically the financial impact on local businesses, the effect on charities, groups and other non-commercial entities, and the difference in impacts between the initial and revised proposals?’

Response of the Cabinet Member for Transformation and Infrastructure (Cllr M Coffin):

The work and time taken to develop and analyse the recently approved extension of off-street car park charges has been extensive, and the proposals have evolved to address issues raised by the public, businesses and community groups during a comprehensive public consultation exercise. In addition, the Leader of the Council attended face to face meetings with local groups at their request. These included the West Malling Chamber of Commerce and Martin Square Traders Association. Financial estimates were made on predicted additional income from an analysis of existing usage and income levels of each car park.

The proposals for car parking charges have been one of the most scrutinised decisions taken by this Council with reports considered at several Council meetings and every single consultation response shared with Members. Members also received copies of correspondence from key stakeholders including an MP. several Parish councils, church groups across the Borough, schools and West Malling’s Chamber of Commerce.

The proposal to extend off-street parking charges was first considered by the Community and Environment Scrutiny Select Committee, which made recommendations to Cabinet including undertaking detailed public consultation. Over 4000 responses were received to the parking consultations. These responses were received from all areas of the community including residents, businesses, voluntary groups and partners enabling Members to assess the impacts.

All these responses were reviewed and presented to Cabinet in early April this year. At this meeting, Cabinet considered all the views and opinions detailed in those

responses. It recognised that there was a need to be responsive to a number of the views expressed, and it chose to adjust some of the proposals at this meeting. Cabinet listened to the research and acted. It introduced 1-hour free parking for West Malling High Street to support the 'stop-and-go' customers. It included a free parking period for Martin Square following engagement with traders and the Parish Council. This assisted the local school providing free parking for parents to drop off and collect their children. It also adjusted the season ticket charges for Aylesford car parks to £200 helping local residents and businesses.

All these amendments were brought about through consideration of the responses from the whole community including businesses, charities and non-commercial groups. The discussion in all of these Council meetings was inclusive and the Cabinet listened carefully to all the views expressed.

Following a call-in, in late April the Overview & Scrutiny Committee fully reviewed the decision made by Cabinet. All areas of the decisions made were fully scrutinised with many Members present to add their views.

This resulted in additional recommendations being made to Cabinet which included-

- The extension of the 30mins free in Martin Square to 1 hour free.
- Aylesford season ticket for residents to be further reduced to £120 and to introduce 1 hour free.
- The proposal to extend the Upper Castle Fields car park be removed.

At the extraordinary meeting of Cabinet on the 30th April it reviewed two petitions that the Council had received linked to the parking proposals along with the recommendations made by Overview and Scrutiny.

At this meeting Cabinet went on to agree further amendments to the proposals as follows

- Free parking for Martin Square and Aylesford to be set at 1 hour and the one-month season ticket set at £10 and the annual season ticket reduced to £120.
- Upper Castle Fields extension was set aside and will not proceed.

Importantly it also chose to add a 30min free period into 6 of our car parks in Tonbridge to help with short stay visits.

In terms of qualitative and quantitative analysis, there is no direct research on the impact of the decisions made by Cabinet as this is complex due to a number of factors. Parking demand and the impact of charges remains an exceptionally challenging area to predict.

Many things affect trip generation and how parking impacts users and businesses. These include the weather, events, private and commercial rents and neighbouring Districts' 'pull' factors, regional premium shopping centres and out-of-town retail.

There are also wide-scale health factors that can affect parking trip generation, as demonstrated by the effects of the Covid pandemic and the rapid change in driver habits.

In terms of the approved Parking Proposals, the long-term parking patterns continue to be difficult to assess especially as Cabinet has added 'Free Parking periods' to a number of the established parking areas close to the High Street.

These 'free periods' will undoubtedly help benefit traders in Tonbridge as visitors to the High Street that are "popping in" for less than 30 minutes may be able to do so for free.

We do review parking charges annually and through this process we will be able to further shape parking controls and charges as required. This means that if there are opportunities to react to changes in the parking patterns we can do so. As with all things parking the demand, usage and impact can change and we are confident that we will be able to respond if necessary. Car park usage is constantly monitored, this will allow real time information to be assessed on a frequent basis. As part of our economic development strategy we will monitor usage to encourage easy and frequent parking to assist footfall. This information will inform the next review of car parking.

All of this demonstrates that Members have fully considered the views of all our communities and have engaged in thorough examination of the proposals. Cabinet listened and shaped the proposals to balance the needs of both the Council and the Community.

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TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

09 July 2024

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters For Decision

1 POLITICAL BALANCE ARRANGEMENTS FOR COMMITTEES

This report asks Members to determine the political balance arrangements for the Borough Council's committees, sub-committees, boards and panels following the Judd ward by-election on 4 July 2024.

- 1.1.1 Under section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) Regulations 1990, the Council is required to review the composition of any of its committees and sub-committees to which those provisions apply at the annual meeting of the Council and after any election.
- 1.1.2 Further to the Returning Officer's report on the result of the by-election for the Judd ward, the number of seats held by each of the political groups is as follows:

Group	Total	%
Conservative	20	45.45
Green	8	18.18
Independent Alliance (Kent)	2	4.55
Labour	3	6.82
Liberal Democrats	11	25
Total	44	100

- 1.1.3 The number of seats held by each political group therefore remains unchanged from the position prior to the by-election.
- 1.1.4 The Council is required to determine the composition of its committees to reflect this political balance and to ensure that:
- (a) not all the seats on the committee to which appointments are made are allocated to the same political group;

(b) the majority of seats on the committee is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;

(c) subject to (a) and (b), the total number of seats allocated to a particular political group reflects that group's proportion of the membership of the authority;

(d) subject to (a) and (c) the number of seats on each committee allocated to a particular group reflects that proportion of the membership of the authority.

1.1.5 The duty on the Council is to give effect to the above principles **so far as reasonably practicable**. This recognises that there cannot be an exact application of the rules.

1.1.6 The total number of seats held by political groups of the Council is as follows

Conservative Group	Liberal Democrat	Green	Independent Alliance Kent	Labour	Total Seats
50	27	20	5	8	110
45.45%	25%	18.18%	4.55%	6.82%	100%

Size of Committees

1.1.7 Given that the number of seats held by each political group remains unchanged, no consequential changes are proposed to the size of Committees. For reference the table below shows the number of committees etc of various sizes which need to be politically balanced and the way in which the total number of available seats have been allocated to reflect the proportions on the Council as a whole. These were approved at annual Council in May 2024.

Committee	Size	Con	Green	Ind All	Labour	Liberal Democrats
Overview and Scrutiny	17	8	3	1	1	4
Communities and Environment Scrutiny Select Committee	13	6	2	1	1	3

Committee	Size	Con	Green	Ind All	Labour	Liberal Democrats
Finance, Regeneration and Property Scrutiny Select Committee	13	6	2	1	1	3
Housing and Planning Scrutiny Select Committee	13	6	2	1	1	3
Licensing & Appeals Committee	13	6	2	1	1	3
General Purposes	11	5	2	0	1	3
Joint Standards	11	5	2	0	1	3
Audit	7	3	2	0	0	2
JECC	7	3	2	0	0	2
Housing Association Liaison Panel	5	2	1	0	1	1
Total Number of Seats	110	50	20	5	8	27
Total Number of Seats Allocated						110

1.2 Legal Implications

- 1.2.1 The Council is required to review the composition of its committees in accordance with the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) Regulations 1990.
- 1.2.2 Paragraph 1.3 of the Council and Committee Procedure Rules set out in the Constitution provides that a review of political balance following the election of a member at a by-election shall take place at the next ordinary meeting of the Council following the by-election.

1.3 Financial and Value for Money Considerations

- 1.3.1 Not applicable

1.4 Risk Assessment

1.4.1 Not applicable

1.5 Equality Impact Assessment

1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.6 Policy Considerations

1.6.1 Not applicable

1.7 Recommendations

1.7.1 **RECOMMENDED** that the composition of all committees, sub-committees, advisory boards and panels be approved in accordance with the table at paragraph 1.1.7 and the Monitoring Officer make any consequential amendments to the Council’s constitution in respect of political balance.

Background papers:

Nil

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Director of Central Services and Deputy Chief Executive