

# TONBRIDGE AND MALLING BOROUGH COUNCIL

## COUNCIL MEETING

Tuesday, 3rd November, 2015

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 3rd November, 2015

**Present:** His Worship the Mayor (Councillor O C Baldock), the Deputy Mayor (Councillor M R Rhodes), Cllr Mrs J A Anderson, Cllr Ms J A Atkinson, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr M O Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr Mrs S M Hall, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors D A S Davis and R D Lancaster

### PART 1 - PUBLIC

#### **C 15/65 DECLARATIONS OF INTEREST**

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

#### **C 15/66 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the ordinary meeting of the Council held on 14 July 2015 and of the two special meetings held on 14 July 2015 be approved as correct records and signed by the Mayor.

#### **C 15/67 MAYOR'S ANNOUNCEMENTS**

The Mayor reported on his attendance at a number of events since the last meeting, notably the German exchange visit from Heusenstamm, the Royal Naval Association Sea Service at Maidstone, the meeting with visiting Maasai warriors at Tonbridge School, the start of the annual

Vintage Motor Cycle Club West Kent Run from Aylesford Priory and the World War II Service at Tonbridge Memorial Gardens. He thanked all who had taken part in the Council team at the Dragon Boat Race during the Heritage Weekend and Fidelity International for running the Discovery Day Disabled Sports Day at the Angel Centre. A particularly memorable event was the Young Cricket Leaders presentation at Lords Cricket Ground.

The Mayor thanked everyone who had attended the Big Band Bash at Hildenborough Village Hall or made donations and indicated that £1,205 had been raised for his charities. He reminded Members of some future events including the switching on of the Tonbridge Christmas lights on 22 November, the Oast Theatre performance on 23 February, the quiz at Hadlow College on 27 February, the Charity Dinner at The View, West Kent College on 21 April and a Buckmore Park Karting evening with charity auction on a date to be confirmed.

The Mayor was then presented with a copy of the Bible by Mr Peter Turner of Gideons International.

Members were advised that Tonbridge and Malling had become the first council in Kent to achieve the National Health and Wellbeing Charter, known as the Kent Healthy Business Award, in recognition of its commitment to the health and well-being of its staff. The Cabinet Member for Community Services, Councillor Maria Heslop, presented the trophy to the Mayor who congratulated everyone involved.

**C 15/68 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6**

No questions were received from members of the public pursuant to Council Procedure Rule No 5.6.

**C 15/69 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5**

No questions were received from Members pursuant to Council Procedure Rule No 5.5.

**C 15/70 LEADER'S ANNOUNCEMENTS**

The Leader advised that the Council would be represented at a number of Remembrance services throughout the Borough, the Mayor attending those at Tonbridge and West Malling, the Deputy Mayor at Snodland and Councillor Mrs S Barker representing the Borough Council at Kings Hill. The Chief Executive and Leader would also be at Tonbridge and both were attending a service at the Garden of Honour at the RBLI Village in the afternoon. The Leader, together with the Deputy Mayor and Chief Executive had attended the official opening of the Garden of Honour at Aylesford by Lieutenant-General Andrew Gregory, Chief of

Defence Personnel. In his address the latter had commended the Borough Council for the way in which it was fulfilling the Armed Services covenant signed by the Leader and the Chief Executive of the RBLI just over three years ago.

The Leader referred to the financial challenges facing the Borough Council, a position which was not dissimilar across the public sector. Three years ago he had predicted that Revenue Support Grant would be phased out by 2017/18 and indicated that this would now be the case with the Chancellor's recent announcement that local authorities would retain all business rate income collected. Reference was made to the significant savings needing to be achieved by the Council in its financial planning regardless of future financial arrangements. The Leader suggested that clarity was required as to how business rate income would be distributed in replacing government grant.

Members were reminded that over the 10 year life of the Medium Term Financial Strategy (MTFS), the Council was likely to have to deliver savings of at least £1.4 million in its base budget, although the situation could be more severe depending on what happened nationally. This represented a major task when net revenue expenditure was approximately £13 million and the Council had already delivered £2.8 million in savings over the last four to five years.

The Leader indicated that he and Councillor Coffin had been working with the Management Team to develop a savings and transformation strategy to support the MTFS. This would provide a framework for guidance on achievement of the required savings and additional income and would be reported to a meeting of the Cabinet on 17 November 2015.

Despite the challenges faced, the Council's financial decisions and record continued to be recognised by the Auditors. The Leader quoted the most recent Annual Audit Letter for the year ending March 2015 in which Grant Thornton concluded that the Council continued to have an effective framework of financial control and robust arrangements for financial governance together with a structured approach to addressing financial pressures within a strong medium term planning framework and a history of achieving planned savings. Going forward the Council recognised that a wider approach to transformation would be required and was preparing a revised corporate strategy to address this. Members recorded their thanks to the Director of Finance and Transformation and her team for their advice to the Council.

The Leader referred to his update to Members on the proposed response from the Borough Council to the government's request to take Syrian migrants over the next five years. This would be considered by the Housing and Environment Services Advisory Board at its meeting on 9 November. In the role of Housing Authority and as part of the public sector effort, the Leader had given a commitment that the Council would

play its part in the overall effort to meet the needs of refugees. Officers had accordingly been working with partners in a strategic approach which recognised the agreement by all Kent Council leaders to coordinate efforts.

The Leader stated that the financial challenges ought not to mask the high standards set by the Council in service delivery and what was being achieved for local communities. He illustrated this by describing some of the notable successes since the last meeting in July. This included news from the Leisure Trust that Tonbridge Swimming Pool had been awarded 'Outstanding' following a recent Quest Assessment, there being over 700 Quest accredited sites in the UK with Tonbridge Pool only the sixth to achieve this standard.

He was pleased to report that there were now two park runs in the Borough with the launch of the Malling Park run. The previous Saturday, both runs had attracted a total of 518 runners, (353 at Tonbridge and 165 at Malling) in the context of 2,500 runners across the county. Participation was free and there was no ongoing cost to the Borough Council. The success of these events was largely dependent on volunteers and both park runs had the benefit of champions in Anthony Lester at Tonbridge and Tracy Brooks at Leybourne. Reference was also made to the inspiration and encouragement from the Council and tribute paid to Donna Carr, the Parkrun Ambassador, the Cabinet Member for Community Services, Maria Heslop, in driving the project and Beverley Emmerson, the Council's Sports Development Officer.

The Leader advised that Haysden Country Park had now received the Green Flag Award for 10 consecutive years. The award by Keep Britain Tidy was the benchmark national standard for parks and green spaces in the UK and achievement for 10 years running was testament to the rangers and staff involved, volunteer groups, wildlife specialists, partnership organisations and visitors for their continuing efforts to help the Council improve and develop the park.

Finally, the Leader reported that for the fourth year running, the Council had been awarded the Community Animal Welfare Footprints Gold Award for Stray Dog Services from the Royal Society for the Protection of Animals. This placed the Council in the top 15% of local authorities nationally for achieving high standards when dealing with stray dogs. The award reflected the Council's commitment to dog welfare over and above the statutory requirements and also recognised the personal and professional commitment and dedication of Tonbridge and Malling's Dog Warden, Lorraine Baseden. It was therefore agreed to convey to her the Council's congratulations and appreciation.

**C 15/71 GAMBLING ACT 2005 - REVISED STATEMENT OF POLICY**

Item LA 15/89 referred from Licensing and Appeals Committee minutes of 22 September 2015

**RESOLVED:** That the recommendations at Minute LA 15/89 be approved.

**C 15/72 TREASURY MANAGEMENT MID-YEAR REVIEW 2015/16**

Item CB 15/52 referred from Cabinet minutes of 7 October 2015

**RESOLVED:** That the recommendations at Minute CB 15/52 be approved.

**C 15/73 RECOMMENDATIONS TO COUNCIL FOLLOWING HEARING OF JOINT STANDARDS COMMITTEE ON 12 OCTOBER 2015**

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding the recommendations of the Hearing Panel of the Joint Standards Committee which had met on 12 October 2015 to determine an allegation that Councillor Mike Taylor had breached the Council's Code of Conduct. The Panel had found that there had been a breach of the Code in respect of obligation 3(2)(f): "You must not conduct yourself in a manner which would reasonably be regarded as bringing your office or the Authority into disrepute" and the full reasons for the decision were contained in the Decision Notice set out at Annex 2 to the report.

Details were given of the sanctions agreed by the Panel, three of which were recommended to the Council for ratification; the fourth relating to publication of the Panel's findings on the website had been implemented.

It was proposed by Councillor Miss J Sergison, seconded by Councillor N Heslop and

**RESOLVED:** That the recommendations of the Hearing Panel be adopted as follows:

- (1) Councillor Taylor be issued with a formal censure;
- (2) Councillor Taylor be removed from Area 2 Planning Committee until the end of April 2017; and
- (3) a press release be issued on the matter.

**C 15/74 CODE OF CONDUCT COMPLAINTS - COMPOSITION OF HEARING PANEL**

The report of the Director of Central Services and Monitoring Officer referred to the adopted arrangements for dealing with Code of Conduct complaints against Borough or Parish Councillors. An amendment was proposed to address the practical operation of the Hearing Panel when considering a complaint against a person acting in a capacity both as a member of the Borough Council and as a Parish Councillor.

**RESOLVED:** That paragraph 1.1 of the Hearing Panel Procedure be amended to provide that where the Subject Member is acting in a capacity both as a Borough Councillor and a Parish/Town Councillor, the Panel shall be comprised of five Borough Members and one Parish/Town Member drawn from the Joint Standards Committee, one of whom shall be elected as Chairman.

**C 15/75 CHANGES TO THE CONSTITUTION**

The report of the Director of Central Services and Monitoring Officer recommended a number of changes to the Constitution. These included replacement of reference to the Town and Parish Councils Standards Sub-Committee with "Standards Hearing Panel" in Council and Committee Procedure Rule 15.21; removal of Protocols A and H of the Code of Conduct, amendment of Protocol C and the re-ordering of the remaining Protocols in Part 5; and amendment of the designation of Authorised Officer for public health functions in Part 3 of the Constitution.

**RESOLVED:** That the Monitoring Officer be authorised to amend the Constitution to give effect to the changes set out in the report.

**C 15/76 SEALING OF DOCUMENTS**

**RESOLVED:** That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

The meeting ended at 8.16 pm