

# TONBRIDGE AND MALLING BOROUGH COUNCIL

## COUNCIL MEETING

Tuesday, 17th February, 2015

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 17th February, 2015

**Present:** Her Worship the Mayor (Councillor Mrs S Luck), the Deputy Mayor (Councillor O C Baldock), Cllr A W Allison, Cllr Mrs J A Anderson, Cllr J Atkins, Cllr J A L Balcombe, Cllr M A C Balfour, Cllr Mrs J M Bellamy, Cllr T Bishop, Cllr P F Bolt, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr C Brown, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr T Edmondston-Low, Cllr Miss J R L Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr Mrs E M Holland, Cllr P J Homewood, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr B J Luker, Cllr Miss A Moloney, Cllr Mrs S Murray, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr M R Rhodes, Cllr H S Rogers, Cllr A G Sayer, Cllr Miss J L Sergison, Cllr Mrs E A Simpson, Cllr C P Smith, Cllr D W Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr D J Trice and Cllr Mrs C J Woodger

Apologies for absence were received from Councillors Ms J A Atkinson, Mrs P Bates, Mrs C M Gale, T J Robins, Miss S O Shrubsole and R Taylor

### PART 1 - PUBLIC

#### **C 15/1 DECLARATIONS OF INTEREST**

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

#### **C 15/2 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the meeting of the Council held on 4 November 2014 be approved as a correct record and signed by the Mayor.

#### **C 15/3 MAYOR'S ANNOUNCEMENTS**

The Mayor reported that since the last Council meeting she had attended many Christmas events such as fayres, carol services, school plays including nativities and parties for senior citizens. She highlighted some memorable events including the Tonbridge Poppy Appeal and Remembrance Sunday Parades, the Light Up a Life Service at

The Friars and the Tonbridge Lions Barrel Organ Collection Event. Reference was also made to the Blessing of the Seas, the Plough Sunday Service at Rochester Cathedral and Tonbridge Local Group of the Royal Society for the Protection of Birds 40<sup>th</sup> Anniversary Celebrations.

The Mayor commented on the Tonbridge Christmas Festival and the switching on of Christmas lights at West Malling and Snodland. She reminded Members of a number of future events including her Dinner at The River Centre, Tonbridge on 28 February and indicated that the Oast Theatre Performance of 'When we are Married' on 24 March was now full. There was still space for teams of three or individuals at the Buckmore Park Karting Evening on 27 April. The Mayor concluded by announcing arrangements for a Dressage Horse Show on Sunday, 19 April at Hadlow College.

**C 15/4 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 15/5 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 15/6 LEADER'S ANNOUNCEMENTS**

The Leader began by acknowledging the activity which had taken place in the towns and villages of the Borough throughout the Christmas period and recorded thanks to the town and parish councils, voluntary groups and schools for their hard work in putting on events for local communities and retail centres.

He mentioned that before the next Council meeting Parliament would have been dissolved for the General Election. He referred to Sir John Stanley's retirement as a Member of Parliament after over 40 years of public service and to the wide recognition of his tireless energy and dedication to his constituents.

The Leader indicated that on this occasion he wished to reflect on what had been achieved by the Council against a backdrop of four very challenging years. Councillor Coffin in presenting the Council's budget would say more about the prudent approach taken to protect those services known to matter to the residents whilst striving to deliver value for money. Reference was made to savings of £2.8m which had been achieved through shared services, taking advantage of technological changes – the piloting of a web chat link on the website being the latest

– and doing things differently. Members were reminded that the approach had been independently assessed by the Council’s auditors as “a strong focus on effective financial management” and “an effective framework to address financial pressures and to deliver planned savings”.

The Leader said that the Council could be proud of its recycling service where residents recycled or composted 43% of household waste. Almost 90% of waste collected was subject to reuse, recycling or energy recovery with only 10% going to landfill. In addition most of the waste was dealt with locally, 85% in Kent. Reference was also made to the “Love Where You Live” campaign which continued to inspire local support and activity. The Council was an Ambassador Authority for the national campaign and a lead authority in the Love Kent campaign with numerous local projects including Bash the Trash events, the Street Monitor scheme, Voluntary Litter Code for businesses, and Bag and Flag dog fouling events.

The Leader expressed pride in the quality of the Council’s leisure facilities and increased leisure activity within the Borough, the Easter and Summer programmes for young people and the Youth Forum having been maintained. For older residents the Council had supported the Tonbridge and Malling Seniors and organised events to encourage take-up of services by elderly people within the communities. Sports participation rates had been increased across the Borough by 6% as measured by the Sport England Active People Survey, placing the Borough in the upper quartile in Kent. Initiatives had included Spring into Sport and the Young Cricket Leader Programme together with support for voluntary groups in staging the Tonbridge Half Marathon and continued support for local clubs.

The Leader reflected on the support to local community groups, town and parish councils through the Community Enhancement Fund with £456,000 awarded to over 200 community and voluntary groups and 20 town and parish councils. Reference was made to the fact that for the second year running the Council’s support to local town and parish councils had included New Homes Bonus income within the overall settlement. This meant that rather than facing a 13.4% reduction, the Council’s support constituted a 1.3% increase resulting in a net benefit to the parishes of £25,243.

The Leader indicated that the successful establishment of a new Leisure Trust, achieving annual revenue savings to the Council of around £500,000, had meant that exceptionally high standards of service delivery could be maintained. External funding had been secured to support continued improvement and investment in the Council’s leisure facilities and work in partnership with schools had secured community access to facilities. Most notably this included new floodlit all-weather pitches at Tonbridge, Wrotham and Hayesbrook Schools.

The Council had also delivered a number of high profile events including the Olympic Torch Relay through Borough Green and the welcoming of the Commonwealth Baton to Tonbridge Castle.

The Leader reflected on the proactive approach to stimulating economic activity throughout the Borough, including the provision of grant funding to local traders' groups to boost trade in local retail centres and support for the Tonbridge Town Team and their initiatives to promote trade in the High Street. In partnership with the County Council, the ESCALATE business loan programme had been delivered providing loans with a total value of £850,000. Reference was also made to the Council's role in helping deliver the West Kent LEADER Programme to provide grant support to rural businesses resulting in a total investment of £3.3m across the West Kent area and a successful bid for a new programme for 2015-2020.

The Leader indicated that the Council had been a key member of the successful lobby group that secured the dualling of the A21 between Tonbridge and Pembury and would continue efforts in securing East Facing Slips at junction 5 of the M25. The Council had helped secure a total of £4.36m from the Local Growth Fund to improve junction 4 of the M20 and to enhance Tonbridge High Street, along with a share of a further £4.89m to improve local rail stations including improvements to accommodate the new HS1 service at Snodland.

The Leader referred to the response to the severe flooding last year when emergency financial support had been delivered to over a hundred local businesses directly affected by the 2013/14 flooding in Tonbridge and East Peckham.

The Council had seen considerable success in securing investment from the government's Affordable Homes Programme with over £7m of capital grant funding allocated to its housing association partners between 2015 and 2018 to provide new affordable homes. The 283 constructed or in the pipeline was the highest number of affordable units proposed across the programme.

The Council was reminded that it had consistently featured within the top three authorities in Kent for the most successful implementation of Help To Buy. The Leader referred to the critically important local housing allocations policy which was bringing practical changes to ensure affordable housing to those households which were local and in most need of housing assistance. The Council's planning policy, the Local Development Framework, had delivered a robust land supply for new development which ensured the protection of the best natural and historic features of the Borough through the development control function.

Finally, the Leader reflected on the Council's continued strong influence on rail and bus services by lobbying for better public transport as

highlighted by the “Rail Manifesto” and facilitating new improvements such as the successful bus/rail interchange at West Malling. In conclusion the Leader believed that this was a record of service delivery to be proud of, the record of a “can do” Council.

**C 15/7 SOCIAL MEDIA POLICY**

Item GP 14/22 referred from General Purposes Committee minutes of 13 November 2014

**RESOLVED:** That the recommendations at Minute GP 14/22 be approved.

**C 15/8 CODE OF CONDUCT COMPLAINTS - REVIEW OF ARRANGEMENTS**

Item ST 15/3 referred from Joint Standards Committee minutes of 19 January 2015

**RESOLVED:** That the recommendations at Minute ST 15/3 be approved.

**C 15/9 OVERVIEW AND SCRUTINY COMMITTEE - ANNUAL REPORT**

Item OS 15/3 referred from Overview and Scrutiny Committee minutes of 27 January 2015

**RESOLVED:** That the recommendations at Minute OS 15/3 be approved.

**C 15/10 LOCALISM ACT - PAY POLICY**

Item GP 15/4 referred from General Purposes Committee minutes of 2 February 2015

**RESOLVED:** That the recommendations at Minute GP 15/4 be approved.

**C 15/11 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2015/16**

Item CB 15/3 referred from Cabinet minutes of 3 February 2015

**RESOLVED:** That the recommendations at Minute CB 15/3 be approved.

**C 15/12 UPDATE OF ANTI-FRAUD POLICIES**

Item CB 15/4 referred from Cabinet minutes of 3 February 2015

**RESOLVED:** That the recommendations at Minute CB 15/4 be approved.

**C 15/13 POLICY IN RESPECT OF DISCRETIONARY COUNCIL TAX AWARDS**

Item CB 15/5 referred from Cabinet minutes of 3 February 2015

**RESOLVED:** That the recommendations at Minute CB 15/5 be approved.

**C 15/14 SETTING THE BUDGET FOR 2015/16**

Item CB 15/24 referred from Cabinet minutes of 12 February 2015

It was proposed by Councillor Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 15/24 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr A W Allison, Cllr Mrs J A Anderson, Cllr J A L Balcombe, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs J M Bellamy, Cllr T Bishop, Cllr P F Bolt, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr C Brown, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr T Edmondston-Low, Cllr Miss J R L Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr Mrs E M Holland, Cllr P J Homewood, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr Mrs S Luck, Cllr B J Luker, Cllr Miss A Moloney, Cllr Mrs S Murray, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr M R Rhodes, Cllr H S Rogers, Cllr A G Sayer, Cllr Miss J L Sergison, Cllr Mrs E A Simpson, Cllr C P Smith, Cllr D W Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr D J Trice and Cllr Mrs C J Woodger

Total 45

Members voting against the motion:

Cllr J Atkins

Total 1

Members abstaining:

None

**RESOLVED:** That the recommendations at Minute CB 15/24 be approved.

**C 15/15 SETTING THE COUNCIL TAX FOR 2015/16**

Item CB 15/25 referred from Cabinet minutes of 12 February 2015

It was proposed by Councillor Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 15/25 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr A W Allison, Cllr Mrs J A Anderson, Cllr J A L Balcombe, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs J M Bellamy, Cllr T Bishop, Cllr P F Bolt, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr C Brown, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr T Edmondston-Low, Cllr Miss J R L Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr Mrs E M Holland, Cllr P J Homewood, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr Mrs S Luck, Cllr B J Luker, Cllr Miss A Moloney, Cllr Mrs S Murray, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr M R Rhodes, Cllr H S Rogers, Cllr A G Sayer, Cllr Miss J L Sergison, Cllr Mrs E A Simpson, Cllr C P Smith, Cllr D W Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr D J Trice and Cllr Mrs C J Woodger

Total 45

Members voting against the motion:

Cllr J Atkins

Total 1

Members abstaining:

None

**RESOLVED:** That the recommendations at Minute CB 15/25 be approved and the Council Tax resolution 2015/16, as set out as an Annex to these Minutes, be adopted.

**C 15/16 CHANGES TO THE CONSTITUTION**

The report of the Director of Central Services and Monitoring Officer set out proposals for realignment of responsibilities relating to corporate governance together with amendments to the Constitution to reflect changes in working practices in respect of procurement and delivery of summonses for Council meetings.

In the light of new CIPFA guidance it was considered appropriate to give the Audit Committee overall responsibility for corporate governance matters and a correction to paragraph 1.3.2 of the report was made at the meeting to the effect that where the decision was previously a delegated decision, that delegated power would transfer to the Audit Committee.

Details were given of proposed changes to the Contracts Procedure Rules regarding tendering thresholds. The report also referred to legislative changes which permitted the use of electronic communications in the sending of summonses to meetings.

**RESOLVED:** That the Monitoring Officer be authorised to make the following amendments to the Constitution:

- (1) deletion of the responsibilities of General Purposes Committee in Part 3 – page 6 “Audit: Overview of internal and external audit”;
- (2) revision of Part 3 - page 9 the function of the Audit Committee to be changed to reflect the position statement of CIPFA as set out in paragraph 1.2.1. of the report;
- (3) deletion of Part 3 – page 32 paragraph 7 relating to General Purposes Committee “To consider initially general and specific audit reports from the Audit Commission, the District Auditor and the Director of Finance and Transformation, to make recommendations to Council for future action and to monitor the Council’s implementation of those recommendations.” This responsibility to be transferred to the Audit Committee;
- (4) amendment of Part 3 – page 33 paragraph 1 so as to change Director of Finance and Transformation’s annual report to Chief Internal Auditor’s annual report;
- (5) amendment of Part 3 – page 34 paragraphs 12, 13, 14 and 15 to be removed from the Corporate Governance Framework and to be included under Audit Committee responsibilities;
- (6) under Part 3 - page 73 the reference to the Finance, Innovation and Property Advisory Board responsibility for Benefit Fraud Investigation to be deleted and the core function as set out in



paragraph 1.2.2 of the report to be added to the responsibilities of the Audit Committee;

- (7) under part 3 – page 32 delete paragraph 9 regarding the responsibility of the General Purposes Committee “To approve the Council’s statement of accounts, income and expenditure account and balance sheet”;
- (8) to amend Part 4 of the Constitution to give effect to the changes outlined in the report by amending CPR 3.2, 7.4, 8.3, 11.1, 13.7, 14.2, 14.3 and 14.7 to change those thresholds which are currently set at £75,000 to refer to £100,000;
- (9) to amend rule 7.4 by changing the procedure to be used in column three for contracts valued at £5,000 up to but not including £75,000 to read “at least three written quotes in advance, one to be from a local supplier where possible” and also amending the procedure for contracts valued at £75,000 up to but not including £172,514 to read “At least three written tenders in advance following advertisement by public notice, one to be from a local supplier where possible”. In addition a new note will be added to each such place to explain the meaning of local by adding “\*\*\*For these purposes a local supplier means a supplier which has its principal place of business or an office in Kent”;
- (10) amend paragraph 4.3 of Part 4 of the Constitution (Council and Committee Procedure Rules) so that it reads “At least five clear days before a meeting, the Chief Executive will send a summons to every member of the Council by an appropriate method in accordance with the provisions of the Local Government Act 1972”; and
- (11) delete paragraph 4.5 of Part 4 (Council and Committee Procedure Rules).

## **C 15/17 APPOINTMENTS TO OUTSIDE BODIES**

Consideration was given to the report of the Director of Central Services regarding the re-nomination of a representative to serve as a Trustee of the Tonbridge United Charity for a further term of office.

**RESOLVED:** That Councillor R Lancaster be re-nominated as a Trustee of the Tonbridge United Charity for a further four year term of office to July 2018.

**C 15/18 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 8.17 pm