

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

To: MEMBERS OF THE COUNCIL

Dear Sir/Madam

I hereby summon you to attend the Statutory Annual Meeting of the Tonbridge and Malling Borough Council which will be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 20th May, 2019 at 7.30 pm, when the following business is proposed to be transacted:-

PART 1 - PUBLIC

- | | | |
|----|---|---------|
| 1. | Election of Mayor | 5 - 6 |
| | To elect the Mayor for the ensuing year. | |
| 2. | Vote of Thanks to Retiring Mayor | 7 - 8 |
| | To propose a vote of thanks to the outgoing Mayor. | |
| 3. | Election of Deputy Mayor | 9 - 10 |
| | To elect the Deputy Mayor for the ensuing year. | |
| 4. | Apologies for absence | 11 - 12 |
| 5. | Minutes | 13 - 18 |
| | To confirm as a correct record the Minutes of the meeting of Council held on 9 April 2019 | |
| 6. | Minutes of Special Meeting | 19 - 20 |
| | To confirm as a correct record the Minutes of the Special Meeting of Council held on 9 April 2019 | |
| 7. | Mayor's Announcements | 21 - 22 |

- | | | |
|-----|---|---------|
| 8. | Returning Officer's Certificate | 23 - 24 |
| | To receive the Returning Officer's Certificate of the result of the elections. | |
| 9. | Election of Leader | 25 - 26 |
| | To elect the Leader for the ensuing four years. | |
| 10. | Appointment of Cabinet | 27 - 28 |
| | Subject to the outcome of the above, the Council to note the Leader's appointment of a deputy executive leader and appointments to the Cabinet and the portfolios they will hold. (Details will be circulated at the meeting). | |
| 11. | Changes to the Constitution (if any) | |
| 12. | Political Balance Arrangements | 29 - 30 |
| | To determine the political balance arrangements for the Council's committees, sub-committees, advisory boards and panels. | |
| 13. | Appointment of Committees | 31 - 32 |
| | To consider the establishment and composition of the Committees of the Council and their Sub-Committees for the ensuing year. (Details of nominations will be circulated at the meeting). | |
| 14. | Appointment of Chairmen and Vice-Chairmen | 33 - 34 |
| | To appoint the Chairmen and Vice-Chairmen of each Committee. (Details of nominations will be circulated at the meeting). | |
| 15. | Appointment of Advisory Panels and Boards and Other Member Groups | 35 - 36 |
| | To appoint Advisory Panels and Boards and Other Member Groups for the ensuing year. (Details of nominations will be circulated at the meeting). | |
| 16. | Appointment to Outside Bodies | 37 - 38 |
| | To appoint representatives to serve on outside bodies. (Details of nominations will be circulated at the meeting). | |
| 17. | Scheme of Delegations | 39 - 40 |
| | a) To agree those parts of the scheme of delegation set out in Part 3 of the Constitution which are for the Council to approve. | |
| | b) To receive the Leader's recommendations concerning the arrangements for decision-making by individual executive Members and the re-adoption of the current scheme of delegation to officers in respect of executive functions set out in Part 3 of the Constitution. | |

18. Programme of Meetings 2019/20 41 - 48

To confirm the programme of meetings for the ensuing year.

19. Temporary Appointment to Hildenborough Parish Council 49 - 54

The report recommends that temporary appointments are made to Hildenborough Parish Council to ensure that the Parish Council is able to lawfully function until the requisite number of vacancies are filled. It also proposes a process to make temporary Member appointments to Parish and Town Councils which may become inoperative in the future.

20. Sealing of Documents 55 - 56

To authorise the Common Seal of the Council to be affixed to any Contract, Minute, Notice or other document requiring the same.

JULIE BEILBY
Chief Executive
Friday, 10 May 2019

At the conclusion of the meeting the Mayor, Deputy Mayor and the Chief Executive will leave the Council Chamber. Members and guests are requested to remain in the Chamber until an announcement is made that the Mayor is ready to receive guests for the Reception in the Dining Hall.

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Agenda Item 1

Election of Mayor

To elect the Mayor for the ensuing year.

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Agenda Item 2

Vote of Thanks to Retiring Mayor

To proposed a vote of thanks to the outgoing Mayor.

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Agenda Item 3

Election of Deputy Mayor

To elect the Deputy Mayor for the ensuing year.

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Apologies for absence

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TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 9th April, 2019

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 9th April, 2019

Present: The Deputy Mayor (Councillor Mrs J A Anderson) – in the Chair, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr T Bishop, 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 D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr N J Heslop, Cllr D Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, 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 A K Sullivan, Cllr M Taylor and Cllr T C Walker

Apologies for absence were received from Her Worship the Mayor, Councillor Mrs P A Bates and Councillors Mrs S Bell, R P Betts, P F Bolt, J L Botten, Mrs M F Heslop, L J O'Toole, Ms S V Spence, Miss G E Thomas and F G Tombolis

PART 1 - PUBLIC

C 19/21 DECLARATIONS OF INTEREST

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

C 19/22 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 19 February 2019 be approved as a correct record and signed by the Mayor.

C 19/23 MAYOR'S ANNOUNCEMENTS

In the absence of the Mayor, no announcements were made.

C 19/24 PLANNING APPLICATION TM/18/00357/OA - THE NURSERY, TAYLORS LANE, TROTTISCLIFFE

Consideration was given to the report of the Director of Planning, Housing and Environmental Health in relation to application TM/18/00357/OA for replacement of an existing static mobile home with

a detached dwelling as permanent accommodation for an agricultural worker associated with the plant nursery at Taylors Lane, Trottiscliffe. The application had been adjourned for determination by the full Council in accordance with Council Procedure Rule No 15.25 following consideration by the Area 2 Planning Committee on 7 November 2018.

In order to facilitate the proper consideration of the application, the Council agreed to suspend its own procedure rules and resolved itself into a committee to which rules relating to a planning committee were applied.

In reaching its decision, the Council had regard to the reports considered by the Area 2 Planning Committee on 26 September and 7 November 2018 including the report of the Director of Central Services and Monitoring Officer which contained exempt information (LGA 1972 Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

RESOLVED: That planning permission be REFUSED for the following reason:

The proposed development by virtue of its overall height and bulk would cause harm to the openness of the Green Belt and is therefore inappropriate development, which is harmful by definition, and would also cause material harm to the open nature of the Green Belt. It is not considered that there are any very special circumstances that would clearly outweigh this identified harm and as such the development is contrary to the requirements of policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraphs 143 – 145 of the National Planning Policy Framework 2019.

C 19/25 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 19/26 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 19/27 LEADER'S ANNOUNCEMENTS

Investment Income

The Leader was pleased to update Members on the returns being seen from short term investments. Since the Council was elected in 2015, the interest alone from short term investments had generated approaching

£1m. In addition, investments made in property funds since June 2017 had added £75,000 during 2017/18 and £118,000 for the first three quarters of 2018/19. The final figure for the last quarter of 2018/19 was awaited and would be reported through the outturn reports.

Rough sleeper funding

The Leader referred to the bid for funding to help tackle rough sleeping within the Borough. He was pleased to report that the Council had been awarded £100,000 to fund a multi-agency approach to tackling rough sleeping. This included raising awareness of initiatives to end rough sleeping, outreach work which would focus on engaging with those already on the street and trying to locate and secure suitable accommodation and support, three units of accommodation for a housing first pilot to be delivered, and access to the private rented sector.

Retail shop scheme

Referring to the Business Rate Retention pilot, the Leader indicated that a Town and District commercial frontages scheme had been launched with grants of up to £5,000 to independent shopkeepers to help renovate and improve their shop fronts. The total project funding was £100,000 and small retailers in Tonbridge, West Malling, Borough Green, Snodland, Hadlow, Larkfield, Kings Hill, East Peckham, Aylesford and Wrotham could apply to the grant scheme.

Local Authorities Parks Improvement Fund

Due to high winds over the weekend of 16/17 March, a large oak tree located on the Motte at Tonbridge Castle fell, causing substantial damage to the paths and fencing. The Leader reported that the Council had employed a specialist contractor to remove the fallen tree together with another adjacent tree assessed by the contractor to pose a health and safety risk to the public. The cost of the works to remove the two trees had been met from the 2018/19 health and safety of trees revenue budget. Quotations were being sought to reinstate the path and the fence in liaison with English Heritage to enable the works to be progressed without delay. An initial budget estimate of £20,000 had been identified and later in the proceedings, consideration would be given to making use of an award of £20,231 from the Government's Local Authorities Parks Improvement Fund. The award expected that the monies would be used to undertake remedial and renovation works to existing parks and also allowed for addressing health and safety concerns.

Retiring Members

The Leader indicated that this was the last meeting of Council before the local elections and among the membership there were 19 Members not

seeking re-election. He listed and thanked each one of them for their individual service to the Borough, the Council and their local communities over varying years in length of service:

Peter Bolt's first term was May 1976 to May 1995 (19 years) and he was re-elected in May 1999 for a further 20 years – total service to this Authority of 39 years;

Owen Baldock had served for 35 years since May 1984;

Matthew Balfour and Chris Smith - 20 years since May 1999;

Sasha Luck and Allan Sullivan - 16 years since May 2003;

Barbara Brown, David Keeley, Russell Lancaster and Sarah Spence – 12 years since May 2007;

Tom Edmondston-Low, Steven King and Simon Jessel - 8 years since May 2011;

Sophie Shrubsole - 7 years since July 2012;

Finally, Tom Cannon, Ben Elks, Steve Perry, Ben Walker and Trevor Walker - 4 years since May 2015.

C 19/28 STATEMENT OF LICENSING POLICY 2019 - 2024 CONSULTATION

Item LA 19/15 referred from Licensing and Appeals Committee minutes of 12 March 2019

RESOLVED: That the recommendations at Minute LA 19/15 be approved.

C 19/29 UPDATE ON THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN AND THE ADOPTION OF THE HIGH WEALD MANAGEMENT PLAN

Item CB 19/30 referred from Cabinet minutes of 19 March 2019

RESOLVED: That the recommendations at Minute CB 19/30 be approved.

C 19/30 AUDIT COMMITTEE ANNUAL REPORT

Item AU 19/16 referred from Audit Committee minutes of 1 April 2019

RESOLVED: That the recommendations at Minute AU 19/16 be approved.

C 19/31 LOCAL CODE OF CORPORATE GOVERNANCE

Item AU 19/17 referred from Audit Committee minutes of 1 April 2019

RESOLVED: That the recommendations at Minute AU 19/17 be approved.

C 19/32 FUNDING OF UNBUDGETED PROJECTS

The report of the Management Team gave details of two unbudgeted projects which needed to be progressed without delay. These related to the reinstatement of the path and fencing on the Tonbridge Castle Motte following storm damage together with high priority health and safety repairs to a number of bridges owned by the Council.

RESOLVED: That

- (1) the recent award of £20,231 from the Government's Local Authorities Parks Improvement Fund be used to progress urgent reinstatement works to the Tonbridge Castle Motte with any balance funded from the General Revenue Reserve; and
- (2) a supplementary estimate of £20,000 be approved, funded from the General Revenue Reserve, to progress high priority repair works to Council owned bridges identified in the external Structural Engineer's inspection report.

C 19/33 PROGRAMME OF MEETINGS 2019/20

The report of the Director of Central Services presented for consideration a draft programme of meetings for 2019/20. Details of arrangements for the remainder of the year to the commencement of the municipal year 2021 were set out in the annex to the report. Attention was drawn to the need to change the date of the Annual Council meeting from 14 to 20 May 2019 and a further amendment was highlighted at the meeting involving the movement of the meeting of the Audit Committee from 22 to 29 July 2019.

RESOLVED: That the programme of meetings, as updated, be endorsed subject to any amendments following further considerations and submitted to Annual Council for final confirmation.

C 19/34 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.

PART 2 - PRIVATE

**C 19/35 TM/18/00357/OA - THE NURSERY, TAYLORS LANE,
TROTTSCLIFFE**

(LGA 1972 Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

Members received the private report of the Director of Central Services and Monitoring Officer (Minute C 19/24 refers).

The meeting ended at 8.52 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 9th April, 2019

At the Special Meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 9th April, 2019

Present: The Deputy Mayor (Councillor Mrs J A Anderson) – in the Chair, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr T Bishop, 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 D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr N J Heslop, Cllr D Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, 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 A K Sullivan, Cllr M Taylor and Cllr T C Walker

Apologies for absence were received from Her Worship the Mayor, Councillor Mrs P A Bates, and Councillors Mrs S Bell, R P Betts, P F Bolt, J L Botten, Mrs M F Heslop, L J O'Toole, Ms S V Spence, Miss G E Thomas and F G Tombolis

PART 1 - PUBLIC

C 19/36 ADMITTANCE OF HONORARY FREEMAN

Consideration was given to a Notice of Motion pursuant to Council Procedure Rule No 5.27 and submitted jointly by Councillors O Baldock, M Coffin, D Cure, N Heslop, R Lancaster, Mrs A Oakley, M Rhodes and A Sullivan that the title of Honorary Freeman be conferred upon Peter Bolt in accordance with Section 249 of the Local Government Act 1972.

It was proposed by Councillor N Heslop, seconded by Councillor Mrs A Oakley and

RESOLVED: That

- (1) in recognition of his eminent services to the Borough of Tonbridge and Malling, Peter Bolt be admitted as an Honorary Freeman of the Borough pursuant to Section 249(5) of the Local Government Act 1972; and
- (2) in pursuance of Section 249(9) of the Local Government Act 1972, expenditure be authorised to enable an address to be presented to the Honorary Freeman of the Borough referred to in

(1) above.

C 19/37 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 9.02 pm,
having commenced at 8.53pm

Mayor's Announcements

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Agenda Item 8

RETURNING OFFICERS CERTIFICATE

Election of Councillors - 2 May 2019

I hereby certify that the following persons were duly elected as councillors at the ordinary election of borough councillors held on 2 May 2019 to hold office until 2023.

WARD	TITLE	FIRST NAME	LAST NAME	PARTY
Aylesford North & Walderslade	Councillor	Michael	Base	Conservative
	Councillor	Des	Keers	Conservative
	Councillor	Andrew	Kennedy	Conservative
Aylesford South	Councillor	Steve	Hammond	Conservative
	Councillor	Colin	Williams	Conservative
Borough Green and Long Mill	Councillor	Wendy	Palmer	Ind. Alliance (Kent)
	Councillor	Tim	Shaw	Ind. Alliance (Kent)
	Councillor	Mike	Taylor	Ind. Alliance (Kent)
Burham and Wouldham	Councillor	Roger	Dalton	Conservative
	Councillor	Dave	Dave	Conservative
Cage Green	Councillor	Mark	Davis	Conservative
	Councillor	Nicolas	Heslop	Conservative
Castle	Councillor	Vivian	Branson	Conservative
	Councillor	Karen	King	Conservative
Ditton	Councillor	Robert	Cannon	Conservative
	Councillor	David	Cooper	Conservative
Downs and Mereworth	Councillor	Ann	Kemp	Conservative
	Councillor	Piers	Montague	Conservative
East Malling	Councillor	Roger	Roud	Liberal Democrats
	Councillor	Michelle	Tatton	Liberal Democrats
Hadlow and East Peckham	Councillor	Jill	Anderson	Conservative
	Councillor	Howard	Rogers	Conservative
	Councillor	Janet	Sergison	Conservative
Higham	Councillor	Dennis	King	Conservative
	Councillor	Frixos	Tombolis	Conservative
Hildenborough	Councillor	Nick	Foyle	Conservative
	Councillor	Mark	Rhodes	Conservative
Judd	Councillor	April	Clark	Green
	Councillor	Mark	Hood	Green

WARD	TITLE	FIRST NAME	LAST NAME	PARTY
Kings Hill	Councillor	Christopher	Brown	Conservative
	Councillor	Millie	Langridge	Conservative
	Councillor	Kim	Tanner	Conservative
Larkfield North	Councillor	Trudy	Dean	Liberal Democrats
	Councillor	David	Thornewell	Liberal Democrats
Larkfield South	Councillor	Timothy	Bishop	Liberal Democrats
	Councillor	Anita	Oakley	Liberal Democrats
Medway	Councillor	Jon	Botten	Conservative
	Councillor	Matt	Boughton	Conservative
	Councillor	James	Lark	Conservative
Snodland East and Ham Hill	Councillor	Sue	Bell	Conservative
	Councillor	Ruth	Lettington	Conservative
Snodland West & Holborough Lakes	Councillor	Paul	Hickmott	Labour
	Councillor	Alan	Keeley	Conservative
	Councillor	David	Lettington	Conservative
Trench	Councillor	Pam	Bates	Conservative
	Councillor	Georgina	Thomas	Conservative
Vauxhall	Councillor	Garry	Bridge	Liberal Democrats
	Councillor	Frances	Hoskins	Liberal Democrats
Wateringbury	Councillor	Sarah	Hudson	Conservative
West Malling & Leybourne	Councillor	Brian	Luker	Conservative
	Councillor	Lee	O'Toole	Conservative
	Councillor	Nick	Stapleton	Liberal Democrats
Wrotham, Ightham & Stansted	Councillor	Robin	Betts	Conservative
	Councillor	Martin	Coffin	Conservative

Julie Beilby
Returning Officer

Agenda Item 9

Election of Leader

To elect the Leader for the ensuing four years.

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Agenda Item 10

Appointment of Cabinet

Subject to the outcome of the above, the Council to note the Leader's appointment of a deputy executive leader and appointments to the Cabinet and the portfolios they will hold. (Details will be circulated at the meeting).

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Political Balance Arrangements

To determine the political balance arrangements for the Council's committees, sub-committees, advisory boards and panels.

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Agenda Item 13

Appointment of Committees

To consider the establishment and composition of the Committees of the Council and their Sub-Committees for the ensuing year. (Details of nominations will be circulated at the meeting).

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Agenda Item 14

Appointment of Chairmen and Vice-Chairmen

To appoint the Chairmen and Vice-Chairmen of each Committee. (Details of nominations will be circulated at the meeting).

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Agenda Item 15

Appointment of Advisory Panels and Boards and Other Member Groups

To appoint Advisory Panels and Boards and Other Member Groups for the ensuing year.
(Details of nominations will be circulated at the meeting).

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Agenda Item 16

Appointment to Outside Bodies

To appoint representatives to serve on outside bodies. (Details of nominations will be circulated at the meeting).

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Scheme of Delegations

- (a) To agree those parts of the scheme of delegation set out in Part 3 of the Constitution which are for the Council to approve.
- b) To receive the Leader's recommendations concerning the arrangements for decision-making by individual executive Members and the re-adoption of the current scheme of delegation to officers in respect of executive functions set out in Part 3 of the Constitution.

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Please note that meeting dates are subject to change. Members will be notified of any changes as they occur but are encouraged to refer to the website and Member Calendar.

An * indicates meetings to be held at the Angel Centre.

Any amendments made since the programme was presented to the Council meeting held on 9 April 2019 are shown in *italic*.

TONBRIDGE AND MALLING BOROUGH COUNCIL PROGRAMME OF MEETINGS 2019/21

2019

MAY

Thursday	2nd	BOROUGH COUNCIL ELECTIONS
Monday	6th	OFFICES CLOSED – BANK HOLIDAY
Monday	20th	ANNUAL COUNCIL
Tuesday	21st	Economic Regeneration Advisory Board
Wednesday	22nd	Finance, Innovation and Property Advisory Board
Thursday	23rd	EUROPEAN PARLIAMENTARY ELECTIONS
* Thursday	23rd	Area 1 Planning Committee
Monday	27th	OFFICES CLOSED – BANK HOLIDAY
Tuesday	28th	Communities and Housing Advisory Board
Wednesday	29th	Area 2 Planning Committee
* Thursday	30th	<i>Area 1 Planning Committee</i>

JUNE

Tuesday	4th	Planning and Transportation Advisory Board
Wednesday	5th	<i>Finance, Innovation and Property Advisory Board followed by Cabinet</i>
Thursday	6th	Area 3 Planning Committee
Monday	10th	Joint Transportation Board
Tuesday	11th	Street Scene and Environment Services Advisory Board
Wednesday	12th	Joint Standards Committee
Thursday	13th	Parish Partnership Panel
Monday	17th	<i>Economic Regeneration Advisory Board</i>
Tuesday	18th	Licensing and Appeals Committee
Wednesday	19th	General Purposes Committee
Thursday	20th	Overview and Scrutiny Committee
Tuesday	25th	Cabinet
* Thursday	27th	Area 1 Planning Committee

JULY

* Tuesday	2nd	<i>Tonbridge Forum</i>
Wednesday	3rd	Area 2 Planning Committee

Tuesday	9th	COUNCIL
Thursday	11th	Area 3 Planning Committee
Tuesday	16th	Planning and Transportation Advisory Committee
Wednesday	17th	Finance, Innovation and Property Advisory Board
Monday	22nd	Audit Committee
Tuesday	23rd	Communities and Housing Advisory Board
Monday	29th	Audit Committee

AUGUST

*	Thursday	1st	Area 1 Planning Committee
	Wednesday	14th	Area 2 Planning Committee
	Thursday	22nd	Area 3 Planning Committee
	Monday	26th	OFFICES CLOSED – BANK HOLIDAY
	Thursday	29th	Overview and Scrutiny Committee

SEPTEMBER

	Tuesday	3rd	Street Scene and Environment Services Advisory Board
	Wednesday	4th	Economic Regeneration Advisory Board
	Thursday	5th	Parish Partnership Panel
*	Monday	9th	Tonbridge Forum
*	Thursday	12th	Area 1 Planning Committee
	Tuesday	17th	Licensing and Appeals Committee (If required)
	Wednesday	18th	Finance, Innovation and Property Advisory Board
	Monday	23rd	Joint Transportation Board
	Wednesday	25th	Area 2 Planning Committee

OCTOBER

	Tuesday	1st	Audit Committee
	Thursday	3rd	Area 3 Planning Committee
	Tuesday	8th	General Purposes Committee
	Thursday	10th	Overview and Scrutiny Committee
	Tuesday	15th	Joint Standards Committee (If required)
	Wednesday	16th	Cabinet
*	Thursday	24th	Area 1 Planning Committee
	Tuesday	29th	COUNCIL
	Wednesday	30th	Street Scene and Environment Services Advisory Board

NOVEMBER

	Tuesday	5th	Economic Regeneration Advisory Board
	Wednesday	6th	Area 2 Planning Committee
	Tuesday	12th	Communities and Housing Advisory Board
	Wednesday	13th	Planning and Transportation Advisory Committee
	Thursday	14th	Parish Partnership Panel
	Monday	18th	Joint Transportation Board
	Thursday	21st	Area 3 Planning Committee

- Tuesday 26th Licensing and Appeals Committee (If required)
- * Thursday 28th Area 1 Planning Committee

DECEMBER

- Thursday 5th Overview and Scrutiny Committee
- Wednesday 11th Area 2 Planning Committee
- Wednesday 25th OFFICES CLOSED – CHRISTMAS HOLIDAY
- Thursday 26th OFFICES CLOSED – CHRISTMAS HOLIDAY
- Friday 27th OFFICES CLOSED – CHRISTMAS HOLIDAY

2020

JANUARY

- Wednesday 1st OFFICES CLOSED – NEW YEAR DAY
- Wednesday 8th Finance, Innovation and Property Advisory Board
- Thursday 9th Area 3 Planning Committee
- Tuesday 14th Joint Standards Committee (If required)
- * Thursday 16th Area 1 Planning Committee
- Monday 20th Audit Committee
- Tuesday 21st Overview and Scrutiny Committee
- Wednesday 22nd Area 2 Planning Committee
- Monday 27th General Purposes Committee
- Tuesday 28th Cabinet
- Thursday 30th Area 3 Planning Committee

FEBRUARY

- Thursday 6th Parish Partnership Panel
- Tuesday 11th Street Scene and Environment Services Advisory Board
- (Thursday 13th KCC Budget Meeting – To be confirmed)
- Thursday 13th Cabinet (Budget Meeting)
- Tuesday 18th COUNCIL (Budget Meeting)
- Wednesday 19th Economic Regeneration Advisory Board
- * Thursday 20th Area 1 Planning Committee
- * Monday 24th Tonbridge Forum
- Tuesday 25th Communities and Housing Advisory Board
- Wednesday 26th Area 2 Planning Committee
- Thursday 27th Joint Employee Consultative Committee (Full)
(commences 0930hrs)

MARCH

- Tuesday 3rd Planning and Transportation Advisory Committee
- Wednesday 4th Joint Standards Committee (If required)
- Monday 9th Joint Transportation Board
- Tuesday 10th Licensing and Appeals Committee (If required)

Thursday	12th	Overview and Scrutiny Committee
Tuesday	17th	Cabinet
Thursday	19th	Area 3 Planning Committee
* Thursday	26th	Area 1 Planning Committee

APRIL

Wednesday	1st	Area 2 Planning Committee
Monday	6th	Audit Committee
Friday	10th	OFFICES CLOSED – EASTER HOLIDAY
Monday	13th	OFFICES CLOSED – EASTER HOLIDAY
Tuesday	21st	COUNCIL
Thursday	23rd	Area 3 Planning Committee

MAY

Monday	4th	OFFICES CLOSED – BANK HOLIDAY
Thursday	6th	POLICE AND CRIME COMMISSIONER ELECTIONS
Tuesday	12th	ANNUAL COUNCIL
Tuesday	19th	Economic Regeneration Advisory Board
Wednesday	20th	Finance, Innovation and Property Advisory Board
* Thursday	21st	Area 1 Planning Committee
Monday	25th	OFFICES CLOSED – BANK HOLIDAY
Tuesday	26th	Communities and Housing Advisory Board
Wednesday	27th	Area 2 Planning Committee

JUNE

Tuesday	2nd	Planning and Transportation Advisory Committee
Wednesday	3rd	Cabinet
Thursday	4th	Area 3 Planning Committee
Monday	8th	Joint Transportation Board
Tuesday	9th	Street Scene and Environment Services Advisory Board
Wednesday	10th	Joint Standards Committee (If required)
Thursday	11th	Parish Partnership Panel
Tuesday	16th	Licensing and Appeals Committee (If required)
Wednesday	17th	General Purposes Committee
Thursday	18th	Overview and Scrutiny Committee
* Thursday	25th	Area 1 Planning Committee
Tuesday	30th	Cabinet

JULY

Wednesday	1st	Area 2 Planning Committee
Thursday	9th	Area 3 Planning Committee
Tuesday	14th	COUNCIL
Tuesday	21st	Communities and Housing Advisory Board
Wednesday	22nd	Finance, Innovation and Property Advisory Board
Monday	27th	Audit Committee

Tuesday 28th Planning and Transportation Advisory Committee

AUGUST

* Thursday 6th Area 1 Planning Committee
Wednesday 12th Area 2 Planning Committee
Thursday 20th Area 3 Planning Committee
Thursday 27th Overview and Scrutiny Committee
Monday 31st OFFICES CLOSED – BANK HOLIDAY

SEPTEMBER

Tuesday 1st Street Scene and Environment Services Advisory Board
Wednesday 2nd Economic Regeneration Advisory Board
Thursday 3rd Parish Partnership Panel
* Monday 7th Tonbridge Forum
* Thursday 10th Area 1 Planning Committee
Tuesday 15th Licensing and Appeals Committee (If required)
Wednesday 16th Finance, Innovation and Property Advisory Board
Monday 21st Joint Transportation Board
Wednesday 23rd Area 2 Planning Committee
Monday 28th Audit Committee

OCTOBER

Thursday 1st Area 3 Planning Committee
Tuesday 6th General Purposes Committee
Thursday 8th Overview and Scrutiny Committee
Monday 12th Joint Standards Committee (If required)
Wednesday 14th Cabinet
* Thursday 22nd Area 1 Planning Committee
Tuesday 27th COUNCIL
Wednesday 28th Street Scene and Environment Services Advisory Board

NOVEMBER

Tuesday 3rd Economic Regeneration Advisory Board
Wednesday 4th Area 2 Planning Committee
Tuesday 10th Communities and Housing Advisory Board
Wednesday 11th Planning and Transportation Advisory Committee
Thursday 12th Parish Partnership Panel
Tuesday 17th Licensing and Appeals Committee (If required)
Thursday 19th Area 3 Planning Committee
Monday 23rd Joint Transportation Board
* Thursday 26th Area 1 Planning Committee

DECEMBER

Thursday 3rd Overview and Scrutiny Committee
Wednesday 9th Area 2 Planning Committee

Thursday	24th	OFFICES CLOSED – CHRISTMAS HOLIDAY
Friday	25th	OFFICES CLOSED – CHRISTMAS HOLIDAY
Monday	28th	OFFICES CLOSED – CHRISTMAS HOLIDAY

2021

JANUARY

	Friday	1st	OFFICES CLOSED – NEW YEAR DAY
	Wednesday	6th	Finance, Innovation and Property Advisory Board
	Thursday	7th	Area 3 Planning Committee
	Tuesday	12th	Joint Standards Committee (If required)
*	Thursday	14th	Area 1 Planning Committee
	Monday	18th	Audit Committee
	Tuesday	19th	Overview and Scrutiny Committee
	Wednesday	20th	Area 2 Planning Committee
	Monday	25th	General Purposes Committee
	Tuesday	26th	Cabinet
	Thursday	28th	Area 3 Planning Committee

FEBRUARY

	Thursday	4th	Parish Partnership Panel
	Tuesday	9th	Street Scene and Environment Services Advisory Board
	(Thursday	11th	KCC Budget Meeting – To be confirmed)
	Thursday	11th	Cabinet (Budget Meeting)
	Tuesday	16th	COUNCIL (Budget Meeting)
	Wednesday	17th	Economic Regeneration Advisory Board
*	Thursday	18th	Area 1 Planning Committee
*	Monday	22nd	Tonbridge Forum
	Tuesday	23rd	Communities and Housing Advisory Board
	Wednesday	24th	Area 2 Planning Committee
	Thursday	25th	Joint Employee Consultative Committee (Full) (commences 0930hrs)

MARCH

	Tuesday	2nd	Planning and Transportation Advisory Committee
	Wednesday	3rd	Joint Standards Committee (If required)
	Monday	8th	Joint Transportation Board
	Tuesday	9th	Licensing and Appeals Committee (If required)
	Thursday	11th	Overview and Scrutiny Committee
	Tuesday	16th	Cabinet
	Thursday	18th	Area 3 Planning Committee
*	Thursday	25th	Area 1 Planning Committee

APRIL

Friday	2nd	OFFICES CLOSED – EASTER HOLIDAY
Monday	5th	OFFICES CLOSED – EASTER HOLIDAY
Tuesday	6th	Audit Committee
Wednesday	7th	Area 2 Planning Committee
Tuesday	13th	COUNCIL
Thursday	22nd	Area 3 Planning Committee

MAY

Monday	3rd	OFFICES CLOSED – BANK HOLIDAY
Thursday	6th	KENT COUNTY COUNCIL ELECTIONS
Tuesday	11th	ANNUAL COUNCIL
Tuesday	18th	Economic Regeneration Advisory Board
Wednesday	19th	Finance, Innovation and Property Advisory Board
* Thursday	20th	Area 1 Planning Committee
Tuesday	25th	Communities and Housing Advisory Board
Wednesday	26th	Area 2 Planning Committee
Monday	31st	OFFICES CLOSED – BANK HOLIDAY

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TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

20 May 2019

Report of the Director of Central Services & Deputy Chief Executive

Part 1- Public

Matters for decision

1 TEMPORARY APPOINTMENT TO HILDENBOROUGH PARISH COUNCIL

Summary

The report recommends that temporary appointments are made to Hildenborough Parish Council to ensure that the Parish Council is able to lawfully function until such time as the requisite number of vacancies are filled.

This report also proposes that the Council agrees a process to make temporary Member appointments to Parish and Town Councils which may become inquorate in the future, and that delegated authority is granted to the Monitoring Officer to ensure that appointments can be made in accordance with an approved process.

1.1 Background

1.1.1 Ordinary elections to Town and Parish Councils within the Borough take place every 4 years at the same time as elections to the Borough Council.

1.1.2 A Town or Parish Council needs to be quorate in order to discharge any business at a meeting. A quorum is defined in legislation as being one third of the total number of members of the relevant Town/ Parish Council subject to a minimum of three Councillors.

1.1.3 Hildenborough Parish Council is at present unable to function as only 3 Councillors stood for election in the recent Parish Council elections (May 2019). This was an insufficient number to require an election and there is a shortfall of nominations for automatic appointment to the office of parish councillor such that the parish council will not be quorate. There are a total of 11 seats on the Parish Council, so it needs a minimum of 4 Councillors in order to be quorate and transact any business.

1.1.4 The Borough Council may make an order to appoint to the Parish Council until such time as the vacancy is filled by election or co-option (s91 Local Government Act 1972).

1.1.5 The Clerk to Hildenborough Parish Council has indicated the Parish Council will be able to co-opt a sufficient number of persons in order to be able to meet their legal obligations, but the immediate issue is that they need to be quorate for at least one meeting in order to pass the resolution to co-opt.

1.2 Proposed appointment & process

1.2.1 The offer to be appointed to the Parish Council was made to both Hildenborough ward members. Cllrs Rhodes & Foyle have agreed to be appointed on a temporary basis, until such time as sufficient persons are elected or co-opted on to the Parish Council.

1.2.2 Whilst it is very rare indeed for a Town or Parish Council within Tonbridge & Malling to become inquorate, it is suggested that the adoption of an approved process would allow for any future such instances to be dealt with swiftly, thus allowing the Town or Parish Council to function without having to wait until a meeting of the full Council at the Borough Council can be convened.

1.2.3 A proposed process is set out at **Annex 1** to this report. This would only be used where a Town or Parish Council advises the Borough Council that it cannot discharge its functions because it is inquorate.

1.3 Legal Implications

1.3.1 Paragraph 12 of Schedule 12, Part II to the Local Government Act 1972 provides that no business shall be transacted at a meeting of a parish council unless at least one-third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, in no case shall the quorum be less than three.

1.3.2 The number of parish Councillors for a parish council shall not be less than 5 (s16 Local Government Act 1972).

1.3.3 Section 91(1) of the Local Government Act 1972 provides that the principal authority, in this case Tonbridge & Malling Borough Council, may make an order to appoint persons to fill all or any vacancies on a town or parish council until such time as other councillors are elected and take up office.

1.3.4 Two copies of any order made under s91(1) shall be sent to the Secretary of State.

1.3.5 In the event that Hildenborough Parish Council are unable to fill the required number of vacancies through co-option, section 39(4) of the Representation of the People Act 1983 enables the Borough Council to make any appointment or do anything which appears to them necessary or expedient for the proper holding of such an election or meeting and properly constituting the council. This includes the power to direct the holding of an election or meeting and fix the date for it.

1.4 Financial and Value for Money Considerations

- 1.4.1 The costs associated with the proposals set out in this report are negligible.
- 1.4.2 It is proposed that any appointed Members claim any allowance from the relevant Parish Council in line with their approved scheme.

1.5 Risk Assessment

- 1.5.1 The Borough Council could choose not to appoint anyone to Hildenborough Parish Council. However, without an appointment from the Borough Council, the Parish Council would remain inquorate until the next regular election in 2023.

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act.

1.7 Policy Considerations

- 1.7.1 Not applicable.

1.8 Recommendations

- 1.8.1 It is **RECOMMENDED** that

- (1) The Council agrees to the appointment of Councillors Rhodes and Foyle as temporary members of Hildenborough Parish Council until such time as an election or co-option can be held and those elected or co-opted have taken up office;
- (2) The Monitoring Officer be authorised to make the necessary order to give effect to the temporary appointments;
- (3) The Council delegates the authority to make temporary appointments of Members to Town and Parish Councils under Section 91 of the Local Government Act 1972 to the Monitoring Officer, in accordance with the process set out in **Annex 1**, and to report any such appointments to the next meeting of the Council.

Background papers:

contact: Adrian Stanfield

Nil

Adrian Stanfield
Director of Central Services & Deputy Chief Executive

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PROCESS FOR MAKING TEMPORARY APPOINTMENTS TO TOWN AND PARISH COUNCILS

Tonbridge & Malling Borough Council shall follow the procedure set out below in making an Order to appoint persons to Town/Parish Councils in accordance with Section 91 of the Local Government Act 1972.

1. The Town/Parish Clerk shall advise the Monitoring Officer that the Town/Parish Council is unable to operate due to being inquorate.
2. The Monitoring Officer shall verify the number of seats on the Town/Parish Council and that it is inquorate. The number of appointments required for it to become quorate is identified.
3. The Monitoring Officer shall offer the temporary position of Town/Parish Councillor in the following order. Any Councillor may decline the appointment, in which case the offer of appointment will continue in order until a quorum has been achieved.
 - a) District Councillor(s) for the ward in which the Parish/Town is located;
 - b) District Councillor(s) for adjacent wards to which the Parish/Town is located;
 - c) County Councillor(s) for the division in which the Parish/Town is located;
 - d) In consultation with Group Leaders, other Councillors will be considered and may include Town/Parish Councillors from adjacent Parishes.
4. All appointments must be made by Order under Section 91(1) of the Local Government Act 1972.
5. A report detailing the action taken will be submitted to the next Council meeting of the Borough Council for information.
6. In the event that appointments cannot be made a report will be submitted to the next Council meeting of the Borough Council for Members to consider the way forward for the Parish/Town Council.
7. In accordance with Section 91(3) of the Local Government Act 1972 the Monitoring Officer will forward two copies of the Order to the Secretary of State. A copy will also be sent to the Clerk of the Town/Parish Council for information.

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Sealing of Documents

To authorise the Common Seal of the Council to be affixed to any Contract, Minute, Notice or other document requiring the same.

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