

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 26th October, 2021

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson building, Kings Hill, West Malling on Tuesday, 26th October, 2021

Present: His Worship the Mayor (Councillor R V Roud), the Deputy Mayor (Councillor Mrs S Bell), Cllr Mrs P A Bates, Cllr T Bishop, Cllr M D Boughton, Cllr V M C Branson, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr A E Clark, Cllr M A Coffin, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr S M Hammond, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr Mrs F A Kemp, Cllr D W King, Cllr J R S Lark, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr B J Luker, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr W E Palmer, Cllr M R Rhodes, Cllr H S Rogers, Cllr J L Sergison, Cllr T B Shaw, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr Miss G E Thomas, Cllr D Thornevell, Cllr F G Tombolis and Cllr C J Williams.

Councillors D J Cooper and N Foyle participated via MS Teams and joined the discussion when invited to do so by the Mayor in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs J A Anderson, M C Base, R P Betts, J L Botten, N J Heslop, A P J Keeley, A Kennedy, K King, P J Montague and N G Stapleton.

PART 1 - PUBLIC

C 21/72 DECLARATIONS OF INTEREST

Councillor T Bishop declared an Other Significant Interest in the Leybourne Lakes Country Park Future Management and Facility Development as he was a Borough Council appointee to the Tonbridge and Malling Leisure Trust. Councillor M Davis declared an Other Significant Interest in the same item as he was also a Borough Council appointee to the Tonbridge and Malling Leisure Trust. The Mayor advised that Councillors Bishop and M Davis could remain in the Chamber during consideration of the item but would take no part in the discussion and voting thereon.

C 21/73 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 13 July 2021 be approved as a correct record and signed by the Mayor.

C 21/74 MAYOR'S ANNOUNCEMENTS

The Mayor advised that since the last meeting of the Council he had visited a number of school award presentations. Other memorable events included:

- Visit to the Dementia Memory Café at the East Malling Centre
- Launch of 2021 'Music at Malling Festival'
- Kent Ramblers' Walk
- Tonbridge Cottage Hospital's Garden Party & Opening of New Tea Room
- TMBC's Health Team One You Event
- Medway School of Dancing's 50th Anniversary Celebration
- Tonbridge Lions Club's Diabetic Screening Event
- The High Sheriff of Kent's Justice Service
- Tonbridge and Malling and Coolings Garden Centre 'In Bloom Awards Ceremony'

He advised that future Civic and Charity Events included a Charity Quiz on 19 November 2021 and the Civic Service on 5 December 2021. Further details would be provided about the Garden Party and more Local Primary School debates in due course.

Finally, the Mayor thanked the Deputy Mayor (Councillor Sue Bell) for attending many events on his behalf and commented that this had been an exceptionally busy period.

The Mayor moved that Rule 10.4, Part 4 of the Constitution, in respect of the requirement to stand when speaking, be suspended for the meeting.

C 21/75 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 21/76 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 21/77 MOTION SUBMITTED UNDER COUNCIL PROCEDURE RULE NO 5.27

Consideration was given to a Notice of Motion pursuant to Council Procedure Rule No 5.27 submitted by Councillor A Clark on behalf of the Green Party in the following terms:

Humans have already caused irreversible climate change, the impacts of which are being felt in the UK and around the world. Global temperatures have increased by 1.2°C from pre-industrial levels and the natural world has reached crisis point, with [28% of plants and animals](#) currently threatened with extinction.

Unless we drastically change course, the world is set to exceed the Paris Agreement's safe 1.5°C limit. Pledges like the Paris Agreement and updated emissions targets are not legally binding. The gap between pledges and policies leaves the world on course for catastrophic warming of [near 3%](#). As the [2018 report](#) by the Intergovernmental Panel on Climate Change (IPCC) made clear, every half a degree makes a world of difference: severe climate impacts with 1.5°C of warming, such as extreme weather patterns causing flooding and heat waves, get significantly worse with 2°C. According to the IPCC, limiting heating to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector and local communities.

The UK is [one of the most nature-depleted countries in the world](#) and more than one in seven of our plants and animals face extinction and more than 40% are in decline. We have lost [95% of our hedgehogs](#). The UK needs a legally-enforceable nature target so that by 2030 nature is visibly and measurably on the path of recovery, in line with the [Global Goal for Nature](#) and the [Leaders' Pledge for Nature](#).

Council notes that:

- I. Many local authorities are playing an important role in the UK taking action to achieve net zero carbon emissions, and to protect and revitalise local wildlife and natural habitats.*
- II. Parliament in May 2019 declared an Environment and Climate Emergency and this Council has already declared a Climate Emergency.*
- III. There is a Bill before Parliament—the [Climate and Ecological Emergency Bill](#) (published as the “Climate and Ecology Bill”), which, if it became law, would require the government to develop a strategy to address the emergency that would ensure:
 - A. the ecological emergency is tackled shoulder to shoulder with the climate crisis in a joined-up approach;***

- B. *the **Paris Agreement** is enshrined into law to ensure that UK does its real fair share to limit global temperature rise to the most stringent end of the Paris agreement -1.5°C.*
- C. *the **Leaders Pledge for Nature** is enshrined into law to ensure that the **UK's ecosystems are protected and restored** with a focus on biodiversity, soils and natural carbon sinks;*
- D. *the UK takes **full responsibility for our entire greenhouse gas footprint** (i.e. consumption emissions plus shipping, flights and land-based transport) by accounting for all of the emissions that take place overseas to manufacture, transport and dispose of the goods and services we import and consume;*
- E. *the UK takes **full responsibility for our ecological footprint** so that we protect health and resilience of ecosystems along both domestic and our global supply chains;*
- F. *an **independent, temporary Climate and Nature Assembly** is set-up, representative of the UK's population, to engage with the UK Parliament and UK Government to help develop the **emergency strategy**.*

Council therefore resolves to:

- I. **Support** the Climate and Ecological Emergency Bill;
- II. **Inform the local media** of this decision;
- III. **Write an open letter to MPs Tom Tugendhat and Tracey Crouch** (shared with our residents through local and social media) urging them to sign up to support the Bill; and
- IV. Write to the [CEE Bill Alliance](#), the organisers of the campaign for the Bill, expressing its support (joinus@ceebill.uk).

This Motion was seconded by Councillor F Hoskins.

In accordance with Council Procedure Rule 8.4 Councillor Clark requested that a recorded vote be undertaken. The request was supported by Councillor Hoskins. The voting on the motion was recorded as follows:

Members voting in favour of the motion:

Councillors Bishop, Bridge, Clark, Dean, Hickmott, Hood, Hoskins, Oakley, Shaw, Tatton and Thornevell.

Total 11

Members voting against the motion:

Councillors Bates, Bell, Boughton, Branson, Brown, Cannon, Coffin, Dalton, D Davis, M Davis, Hammond, Hudson, Keers, Kemp, D King, Lark, D Lettington, R Lettington, Luker, O'Toole, Palmer, Rhodes, Rogers, Sergison, Tanner, Taylor, Thomas, Tombolis and Williams.

Total 29

Members who abstained from voting:

Councillor Roud.

Total 1

(Total Members eligible to vote = 41)

RESOLVED: That the Notice of Motion was defeated.

C 21/78 LEADER'S ANNOUNCEMENTS

The Leader moved that Rule 5.25(b), Part 4 of the Constitution be suspended for the meeting and proposed that the Opposition Group Leaders be allowed three minutes each in response.

The Leader referenced the reform of the Parish Partnership Panel and Tonbridge Forum and looked forward to the Panels being more effective in the future. He reported that he had visited some key businesses, including NIAB East Malling Research and the Royal British Legion Industries, who contributed uniquely to the area, and had opened the new Platt Church of England Primary School and had visited the Panattoni Park in Aylesford with Tracey Crouch and the previous Secretary of State for Housing, Communities and Local Government. Residents and businesses had highlighted the need for good working relationships with the Council and the Leader was determined to build on this and along with the Cabinet Member for Economic Regeneration, investment into the community continued.

The Leader welcomed the decision not to sell River Lawn in Tonbridge and the removal of the prospect of parking charges in Aylesford, Larkfield and Snodland.

He announced that the 'What Matters to You?' consultation had ended and thanked all who had participated and promoted the consultation. He explained that with an increasingly difficult financial situation, services would have to be priorities in order to set a balanced budget and announced that the recommendations to freeze Councillor allowances until the 2023 elections would be brought forward.

The Leader referenced the long-term difficulties that the Council faced with regards to the Waste contract, which remained an immediate

priority and work continued with Urbaser on performance issues, and challenges due to costs of temporary accommodation; and highlighted various improvement made across the borough, including the regeneration at Railway Approach in Tonbridge and the re-opening of the shop in Eccles.

In response to the Leaders announcements, concern was expressed regarding the financial stability of the Council and the potential of further reductions in funding following the Chancellors Autumn budget announcement, but there were a number of changes that were welcomed, including membership changes to the Tonbridge Forum and Parish Partnership Panel, car parking charges, the freeze on Member allowances and the decision not to sell River Lawn. Members questioned the progress on the Asset Management Strategy and raised concern regarding the Waste Service.

The full Leaders announcement and responses from Members can be viewed via YouTube at [Leader's Announcements](#).

C 21/79 LOCAL CODE OF CORPORATE GOVERNANCE

Item AU 21/30 referred from Audit Committee of 26 July 2021.

RESOLVED: That the recommendation at Minute AU 21/30 be approved.

C 21/80 LEYBOURNE LAKES COUNTRY PARK - FUTURE MANAGEMENT AND FACILITY DEVELOPMENT

Item CB 21/77 referred from Cabinet of 12 October.

RESOLVED: That the recommendation at Minute CB 21/77 be approved.

C 21/81 PEMBURY ROAD OPTIONS

Item CB 21/78 referred from Cabinet of 12 October.

RESOLVED: That the recommendation at Minute CB 21/78 be approved.

C 21/82 TREASURY MANAGEMENT UPDATE

Item CB 21/79 referred from Cabinet of 12 October.

RESOLVED: That the recommendation at Minute CB 21/79 be approved.

C 21/83 REVIEW OF CCTV AT TONBRIDGE FARM SPORTS GROUND

Item CB 21/80 referred from Cabinet of 12 October.

RESOLVED: That the recommendation at Minute CB 21/80 be approved.

C 21/84 REVIEW OF TONBRIDGE FORUM AND PARISH PARTNERSHIP PANEL

Item CB 21/81 referred from Cabinet of 12 October.

Whilst there were no changes proposed to the Chairmanship of the Tonbridge Forum and the Parish Partnership Panel, the Leader (Councillor M Boughton) proposed that the following nominations be considered for the roles of Vice-Chairman:

Councillor G Bridge – Vice-Chairman of Tonbridge Forum

Councillor M Tatton – Vice-Chairman of Parish Partnership Panel

This proposal was seconded by Councillor Thornewell and it was

RESOLVED: That

- (1) the recommendation at Minute CB 21/81 be approved;
- (2) Councillor G Bridge be appointed as Vice-Chairman of the Tonbridge Forum; and
- (3) Councillor M Tatton be appointed as Vice-Chairman of the Parish Partnership Panel.

C 21/85 SPECIAL EXPENSES CONSULTATION

Item CB 21/82 referred from Cabinet of 12 October.

In accordance with Council Procedure Rule 8.4 Councillor Hoskins requested that a recorded vote be undertaken in respect of recommendation (1). The request was supported by Councillor Thornewell. The voting was recorded as follows:

Members voting in favour of recommendation (1):

Councillors Bates, Bell, Bishop, Boughton, Branson, Brown, Cannon, Coffin, Dalton, D Davis, M Davis, Hammond, Hudson, Keers, Kemp, D King, Lark, D Lettington, R Lettington, Luker, O'Toole, Palmer, Rhodes, Rogers, Roud, Sergison, Shaw, Tanner, Taylor, Thomas, Tombolis and Williams.

Total 32

Members voting against recommendation (1):

Councillors Bridge, Clark, Dean, Hickmott, Hood, Hoskins, Oakley, Tatton and Thornevell.

Total 9

(Total Members eligible to vote = 41)

RESOLVED: That the recommendation at Minute CB 21/82 be approved.

C 21/86 CHANGES TO THE CONSTITUTION

The report of the Monitoring Officer recommended changes to the Constitution to allow for additional speaking time for opposition group leaders and to address concerns raised in respect of the Electoral Review Working Group.

Following the replacement of Public Health England by the UK Health Security Agency (UKHSA), there was also a minor amendment required to the appointment of a proper officer for the purposes of public health functions.

RESOLVED: That the Monitoring Officer be authorised to amend the Constitution to give effect to the changes detailed in the report and summarised below:

- (1) Rule 5.25(b) of the Council and Committee Procedure Rules (Part 4) be amended to read '*the opposition group leaders shall be given an opportunity to comment upon the announcements and the total time allowed shall be limited to three minutes per opposition group leader*';
- (2) The Electoral Review Working Group be abolished and all matters relating to electoral review to sit within the terms of reference for the General Purposes Committee; and
- (3) Replace reference to Public Health England within Part 3 of the Constitution with UKHSA.

C 21/87 CHANGES TO POLITICAL BALANCE

The report of the Director of Central Services and Deputy Chief Executive set out details of political balance arrangements required to be applied to the Borough Council's committees, sub-committees, advisory boards and panels following Councillor N Stapleton's move to the Green Party and the proposed abolition of the Electoral Review Working Group.

RESOLVED: That

- (1) the composition of all committees, sub-committees, advisory boards and panels be approved in accordance with the table set out at paragraph 1.1.6 of the report and the Monitoring Officer make any consequential amendments to the Borough Council's Constitution in respect of political balance; and
- (2) memberships of affected Committees, Advisory Boards and Panels be finalised out of meeting in consultation with Group Leaders and Democratic Services.

C 21/88 ARMED FORCES COVENANT

The report of the Chief Executive set out details in respect of the existing Armed Forces Covenant, sought nominations for an Armed Forces Champion to represent the Borough Council and recommended involvement in the Defence Employer Recognition Scheme.

RESOLVED: That

- (1) an updated version of the Armed Forces Covenant be signed by the Borough Council;
- (2) Councillor D Davis and Councillor S Hammond be appointed into a shared role of Armed Forces Champion for Tonbridge and Malling Borough Council; and
- (3) the Borough Council takes steps to progress through the Defence Employer Recognition Scheme.

C 21/89 APPOINTMENTS TO OUTSIDE BODIES

The report of the Director of Central Services and Deputy Chief Executive advised that, following the deaths of Dr Gordon Court and Mr David Cure, it was necessary to consider appointments to the Tonbridge Town Lands and Richard Mylls, Sir Thomas Smythe and the Petley and Deakins Almshouses charities.

It was also necessary to consider an appointment to the Hospital of the Holy Trinity, Aylesford.

RESOLVED: That

- (1) Mr Owen Baldock be appointed as the Borough Council representative to serve on the Tonbridge Town Lands and Richard Mylls charity until October 2024;
- (2) Councillors Vivian Branson and James Lark be appointed as Trustees to the Sir Thomas Smythe's Charity (St Peters and St

Paul with St Saviour) for a four year term of office (until October 2025);

- (3) Councillor David Lettington be appointed as a Trustee to the Board of the Hospital of the Holy Trinity, Aylesford until October 2023;
- (4) Councillor Kim Tanner be appointed as a Trustee to the Petley and Deakins Almshouses for a four year term of office (until October 2025); and
- (5) the expiry of Mrs Maria Heslop's term of office as a trustee for Petley and Deakins Almshouses at the end of December 2021 and the creation of a vacancy be noted.

C 21/90 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 9.30 pm