

Public Document Pack

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 22nd October, 2024

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 22nd October, 2024

Present: His Worship the Mayor (Councillor S M Hammond), the Deputy Mayor (Councillor C Brown), Cllr L Athwal, Cllr B Banks, Cllr K Barton, Cllr Mrs S Bell, Cllr A G Bennison, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr P Boxall, Cllr G C Bridge, Cllr R I B Cannon, Cllr J Clokey, Cllr M A Coffin, Cllr A Cope, Cllr S Crisp, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr J R S Lark, Cllr A McDermott, Cllr A Mehmet, Cllr D W King, Cllr Mrs A S Oakley, Cllr R W G Oliver, Cllr W E Palmer, Cllr Stacey Pilgrim, Cllr B A Parry, Cllr M R Rhodes, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr D Thornevell, Cllr K S Tunstall and Cllr C J Williams.

An apology for absence was received from Councillor W J Mallard

PART 1 - PUBLIC

C 24/73 DECLARATIONS OF INTEREST

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

However, for reasons of transparency:

- Cllr Rhodes indicated that in relation to agenda item 8 (Notice of Motion) he was a recipient of the Winter Fuel Payment; and
- Cllr Clokey reminded Members that in relation to agenda item 15 (Treasury Management Update and Annual Report for 2023/24) he was employed by one of the companies who managed a multi asset fund which the Borough Council had invested in and was referenced in the report.

As these did not represent either a Disclosable Pecuniary or Other Significant Interest there was no reason for Cllrs Rhodes and Clokey to withdraw from the meeting.

C 24/74 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 9 July 2024 be approved as a correct record and signed by the Mayor.

C 24/75 MAYOR'S ANNOUNCEMENTS

The Mayor advised of a number of engagements attended since the last meeting of Council and made particular reference to the following civic and charity events:

- Tonbridge Lions Charity Car Tour
- London Overseas Musicians League Piano Festival at Tonbridge School
- 105th Birthday Celebration Event at the RBLI
- Kings Hill Parish Council's End of Summer Community Party
- Tonbridge in Bloom
- Wrotham Festival of Light

Finally, the Mayor thanked the Deputy Mayor for attending a number of events on their behalf.

C 24/76 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 24/77 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

In accordance with Council Procedure Rule No 5.5 a question had been submitted by Cllr Hood in respect of Key Performance Indicators and proposed changes to the reporting of performance management. A detailed response had been provided by the Leader of the Borough Council and the question and answer, attached as an Annex to the Minutes, were noted.

C 24/78 NOTICE OF MOTION SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE NO. 5.27 (24/005)

Consideration was given to a Notice of Motion (24/005) pursuant to Council Procedure Rule No. 5.7 submitted by Cllr Clokey in relation to winter fuel payments (as set out on page 27).

As set out in the Notice, Cllr Clokey proposed, seconded by Cllr Hoskins that:

- (1) the Chief Executive be instructed to write to the Chancellor of the Exchequer calling for the policy on linking Winter Fuel Payments to Pension Credit receipt to be immediately paused and introduce a new threshold to determine eligibility for Winter Fuel Payments;
- (2) the Chief Executive be requested to write to all MPs covering Tonbridge and Malling asking them to give their formal support to halting the changes to the Winter Fuel Payment eligibility;
- (3) all group leaders within Tonbridge and Malling Borough Council sign a joint letter to the Chancellor of the Exchequer calling for the new Winter Fuel Payment policy to be suspended and reviewed; and
- (4) the scope of our awareness campaign to maximise uptake of pension credits be urgently extended. This to include use of council noticeboards, social media, promotion through local press, targeted communications with local voluntary sector partners and investigation of the feasibility of sending targeted letters to those that could be identified as likely to be eligible.

Whilst recognising that the Winter Fuel Payment was a national policy and the Borough Council had limited influence to affect changes, Cllr Boughton proposed, seconded by Cllr Coffin, an amendment to the motion as set out below:

- (1) Given that 22, 217 residents across Tonbridge are affected by the policy, Council instructs the Leader of the Council to write to the Chancellor of the Exchequer condemning the policy on linking Winter Fuel Payments to Pension Credit. Council further requests the Leader of the Council write to all MPs covering Tonbridge and Malling asking them to condemn the changes to the Winter Fuel Payment eligibility;
- (2) Request all group leaders within Tonbridge and Malling Borough Council sign a joint letter to the Chancellor of the Exchequer condemning the new Winter Fuel Payment policy, and
- (3) Urgently extend the scope of our awareness campaign to maximise uptake of pension credits. This will include use of council noticeboards, social media, promotion through local press, targeted communications with local voluntary sector partners and investigation of the feasibility of sending targeted letters to those that we can identify as likely to be eligible.

Following a formal vote on the amendment to the motion proposed by Cllr Boughton and seconded by Cllr Coffin there was a majority in favour and this motion was carried and became the substantive motion.

In accordance with Council Procedure Rule 6.14 there was a proposal from Cllr Hood to sever the substantive motion to enable each of the matters to be considered separately. This was seconded by Cllr Cope.

Following a vote the proposal to sever the motion was lost.

In accordance with Council Procedure Rule 8.4 Cllr Hood requested that a recorded vote be undertaken. This was seconded by Cllr Barton.

The voting on the substantive motion was recorded as follows:

Members voting in favour of the motion:

Cllrs Banks, Bell, Bennison, Betts, Boughton, Boxall, Bridge, Brown, Cannon, Clokey, Coffin, Crisp, Dalton, Davis, Dean, Hammond, Harman, Hickmott, Hoskins, Hudson, Keers, King, Lark, McDermott, Mehmet, Oakley, Palmer, Rhodes, Roud, Tanner, Tatton, Taylor, Thornewell, Tunstall and Williams.

Total: 35

Members voting against the motion:

Cllr Oliver

Total: 1

Members who abstained from voting:

Cllrs Athwal, Barton, Bishop, Cope, Hood, Parry, Pilgrim

Total: 7

(Total Members eligible to vote = 43)

RESOLVED: That the actions requested by the Notice of Motion (24/005) as amended be agreed.

MATTERS FOR DECISION AS PLANNING COMMITTEE

In order to facilitate the proper consideration of the two applications, 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.

C 24/79 PLANNING APPLICATION TM/24/0127/OA - GIBSON BUILDING, GIBSON DRIVE

Consideration was given to the report of the Director of Planning, Housing and Environmental Health in relation to the proposed refurbishment of Gibson East office building as set out in planning application TM/24/01270/PA. The application sought planning permission for the removal of a corridor link to the grade II listed Gibson West building, remedial works to the listed façade and other associated works as summarised in 1.1 of the report.

In reaching its decision, the Council had regard to the principle of development, the visual impact, design and layout, residential amenity, highway safety and parking, trees and ancient woodland, drainage and flooding and ecology and in-depth discussion on biodiversity. The views of consultees were also taking into consideration.

Overall, the proposal was considered an appropriate rationalisation of the site that accorded with all relevant planning policies and guidance, would not have a detrimental impact on the surroundings or listed building and provided for appropriate off-site BNG provision. It was, therefore, recommended that the application be approved subject to the applicant entering into an agreement to secure a Conservation Covenant for the provision of off-site Biodiversity Net Gain.

RESOLVED: That planning permission be granted in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

- (1) the applicant entering into a Conservation Covenant for the provision of off-site Biodiversity Net Gain.

[Speaker: Mr C Burrows of HMY Architects on behalf of applicant]

In accordance with Council Procedure Rule 8.6 Cllr Hood requested that his vote against the recommendation be recorded in the Minutes.

C 24/80 LISTED BUILDING APPLICATION TM/24/01268/PA - GIBSON BUILDING, GIBSON DRIVE

Consideration was given to the report of the Director of Planning, Housing and Environmental Health in relation to a listed building application (TM/24/01268/PA) for the proposed demolition of a modern corridor link between Gibson East office building and the Grade II Gibson West building with restoration works to reinstate the original appearance of the east façade of the listed building.

Due regard was given to the determining issues and conditions as set out in the report of the Director of Planning, Housing and Environmental

Health, with particular attention being given to the impact upon the special architectural or historic interest of the Grade II listed building.

In reaching its decision, the Council had regard to the views of the Conservation Officer who felt that the removal of the corridor link would restore the appearance and setting of Gibson West to that of the original individual building, would not cause harm to the significance of the listed building and would improve the overall character and appearance of the building. It was recommended that listed building consent be granted, subject to a condition to provide additional details of the reinstatement works.

RESOLVED: That listed building consent be granted in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

- (1) additional condition to provide details of the reinstatement works.

C 24/81 LEADER'S ANNOUNCEMENTS

The Leader reflected on the importance of cross-party collaborative working, the significant challenges in delivering the Local Plan arising from a revised National Planning Policy Framework (NPPF), increased housing targets for the Borough, recommencing, re-assessing and collating new evidence once the revised NPPF had been published and the increased pressure on Planning Committees as the presumption in favour of development would become greater.

Reference was made to the good progress being made on the Borough Councils Climate Change Strategy with a £1.6m investment at Larkfield Leisure Centre to deliver carbon cutting and climate change initiatives. These included new changing rooms, solar panels and air source heat pumps. Similar initiatives would also be delivered at Tonbridge Swimming Pool.

The Borough Council had also invested in thermal imaging cameras and these were free to rent by residents and community groups to identify areas where heat was lost in homes and buildings which could help reduce energy bills.

Finally, the Borough Council were working with community groups and had provided in the region of £130,000 to support local projects.

Full Leaders announcements were available on the Borough Council's [YouTube channel](#).

MATTERS FOR DECISION**C 24/82 CHANGES TO COMMITTEE APPOINTMENTS 2024/25**

The Leader of the Borough Council proposed a number of changes to the Conservative Group appointments to Committees and Scrutiny Select Committees for the remainder of the municipal year.

The proposals were intended to ensure that meetings were effective and took advantage of Councillors experience and interests.

RESOLVED: That the changes to appointments to Committees, Scrutiny Select Committees and consequential changes to the list of substitutes, as set out in Annex 1 and 2, be approved.

C 24/83 APPOINTMENTS TO OUTSIDE BODIES - TONBRIDGE TOWN LANDS AND RICHARD MYLLS CHARITY

Following a request from the Clerk to the Town Wardens, consideration was given to the reappointment of Mr Owen Baldock as the Borough Council's representative to serve on Tonbridge Town Lands and Richard Mylls Charity for a further four-year term.

The terms of the Charity required the income to be applied for the benefit of the inhabitants of the former Urban District of Tonbridge and persons appointed as Town Wardens to be residents or to have extensive knowledge of the area. They may be, but need not be, a member of the Council. The Charity had emphasised the value of having a person with good knowledge of the local area and felt that Mr Baldock possessed an extensive knowledge of the work of the organisation and a good understanding of the district. Mr Baldock had indicated his willingness to accept the nomination.

RESOLVED: That Mr Owen Baldock be re-appointed as the Borough Council representative to serve on Tonbridge Town Lands and Richard Mylls Charity for a further four-year period up to to October 2028.

C 24/84 LOCAL CODE OF CORPORATE GOVERNANCE

Consideration was given to the recommendations of the Audit Committee of 22 July 2024 in respect of the outcome of the annual review of the Local Code of Corporate Governance.

RESOLVED: That the amendments to the Local Code of Corporate Governance, as set out in Annex 1 to the report, be approved for adoption.

C 24/85 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT FOR 2023/24

Consideration was given to the recommendations of the Audit Committee of 22 July 2024 in respect of treasury management activity undertaken during April to May of the current financial year. The treasury management outturn position for 2023/24 was also set out.

RESOLVED: That

- (1) the action taken in respect of treasury management activity for April to May 2024 be endorsed; and
- (2) the 2023/24 outturn position be noted.

C 24/86 CAPITAL WORKS - CAR PARKS

Consideration was given to the recommendations of Cabinet of 3 September 2024 in respect of a number of fast-track capital plan schemes to improve the Bailey Bridge East car park in Aylesford, support the introduction of automatic number plate recognition (ANPR) and make parking amendments in car parks and on-street parking.

RESOLVED: That

- (1) the three fast track capital schemes, shown in Annexes 1,2 and 3, be transferred to List A of the capital planning this financial year to enable the introduction of new parking charges; subject to
 - i. an amendment in respect of the Automatic Number Plate Recognition (ANPR) scheme to reflect that arrangements would be made to enable residents with a blue badge to register to park free of charge at the car parks where ANPR enforcement would be implemented;
- (2) capital funding of £530,000 for the capital works be met from the revenue reserve from capital schemes;
- (3) authority be granted to the Director of Central Services & Deputy Chief Executive to submit a planning application for the scheme in the Bailey Bridge East car park, Aylesford; and
- (4) revenue funding of £15,000 be included in the revised revenue estimates to appoint external consultants to assist in the design of the schemes.

In accordance with Council Procedure Rule 8.6 Councillors Banks, Bennison, Bishop, Boxall, Dean, Hickmott, Oakley, Tatton and Thornewell requested that their vote against the recommendation be recorded in the Minutes.

C 24/87 LOCAL AUTHORITY HOUSING FUND

Consideration was given to the recommendation of Cabinet of 3 September 2024 to update the Capital Plan in respect of Round 3 of the Local Authority Housing Fund (LAHF). Following a change in criteria and match funding arrangements, this was now considered a suitable funding opportunity for the Borough Council.

As a consequence of the deadlines required for Year 1 of the LAHF round 3, it would be necessary for the Borough Council to purchase property quickly. To enable the acquisition of a suitable property once identified, the Cabinet recommended that the Capital Plan be updated to include an allowance of up to £400,000 as the Borough Council's contribution to the Year 1 property acquisition. This was supported by the Council.

RESOLVED: That the Capital Plan be updated to include an allowance of up to £400,000 (funded from the Temporary Accommodation Reserve and/or s106 contributions) as the Borough Council's contribution to the Year 1 property acquisition.

C 24/88 REGULATION OF INVESTIGATORY POWERS ACT (RIPA) - REVISIONS TO SURVEILLANCE GUIDANCE

Consideration was given to the recommendations of the General Purposes Committee of 9 October 2024 in respect of revisions to the Regulation of Investigatory Powers Act (RIPA) surveillance guidance.

RESOLVED: That the revised surveillance guidance be approved, subject to the replacement of Twitter with X.

C 24/89 CIVIL ENFORCEMENT SERVICE

Consideration was given to the recommendations of the General Purposes Committee of 9 October 2024 in respect of the civil enforcement service.

RESOLVED: That the permanent establishment of four full time Civil Enforcement Officer posts at scale 4 and one full time Civil Enforcement Supervisor at scale 5 be approved with effect from 23 October 2024.

In accordance with Council Procedure Rule 8.6 Cllr Banks requested that his vote against the recommendation be recorded in the Minutes.

MATTERS FOR INFORMATION**C 24/90 MINUTES OF CABINET AND COMMITTEES**

The Minutes of meetings of the Cabinet and Committees for the period July to October 2024 set out in the Minute Book (Volume 4) attached as a supplement, were received and noted.

Any recommendations to the Council from Cabinet or Committees were resolved elsewhere on the agenda.

C 24/91 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.

C 24/92 URGENT ITEM

By reason of special circumstances, the Mayor agreed an item to be considered as a matter of urgency. As this was in respect of information relating to an individual the matter would be discussed in private.

C 24/93 EXCLUSION OF PRESS AND PUBLIC

The Mayor moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 PRIVATE - MATTER FOR DECISION**C 24/94 COUNCILLOR ATTENDANCE AT MEETINGS**

(Reasons: LGA 1972 – Sch 12A Paragraph 1 – Information relating to an individual)

Members were invited to approve the continued absence of a Member from meetings for a further six months.

RESOLVED: That

- (1) a waiver of the 6-month attendance rule as set out in s85 of the Local Government Act 1972 be approved for Councillor Wayne Mallard for the special circumstances as detailed in the report (contains exempt information); and
- (2) an extension of the permitted non-attendance time period for Councillor Wayne Mallard for a further 6-month period up to 22 April 2025 be approved.

The meeting ended at 9.45 pm

This page is intentionally left blank

COUNCIL

22 OCTOBER 2024

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

The following question (24/004) has been asked pursuant to Council Procedure Rule No 5.5 by Councillor M Hood:

'Key Performance Indicators are a crucial early warning mechanism allowing officers and members to recognise trends developing in specific areas before they become a significant harder to resolve problem. The proposal to restrict KPIs to scrutiny select committees as part of an annual report presented by the relevant cabinet member will mean that the quarterly KPIs are seen by far fewer members which reduced their effectiveness. This cannot be best practice. Does the Leader agree that all members have the responsibility for identifying when the council falls short of its own performance targets and that the available data and KPIs should continue to be presented on a quarterly basis to the relevant scrutiny select committee?'

Response of the Leader of the Borough Council (Cllr M Boughton):

'Key Performance Indicators (KPIs) are a crucial mechanism in managing the performance of the Council. That is why I have led the Council to make great strides over the past couple of years to start from scratch and build a process that does a very good job in assessing our performance and ensuring that we deliver for our local communities.

However, it is also clear that the current process of reporting could be made more efficient. Addressing how KPIs are reported were recommended in an Internal Audit Review in April 2024. At present, the three Scrutiny Select Committees and Overview and Scrutiny Committee each get KPIs and consequently are only able to consider their KPIs without the broader picture provided by the full suite. In addition, whilst different KPIs are reported to each committee, there is a lot of duplication in each of these reports.

A key value in our Corporate Strategy is to provide 'Efficient services for all our residents, (while) maintaining an effective council'. Given the duplication referred to and the need to embed the values of the Council in all of our work, it would clearly be more efficient for one report to go each quarter to Overview and Scrutiny Committee which would receive KPIs in their entirety. This would enable all members of Overview and Scrutiny to consider and challenge any KPI prior to them being considered by Cabinet. This report would continue to be available to all members and residents, as they are at the moment, albeit in a more condensed form. This will make it easier for members and residents to track our performance.

Cabinet Members are responsible for performance within their portfolio so to complement this change, I have also proposed that each Cabinet Member provides an Annual Report to the respective Scrutiny Select Committee. This report will include achievements backed up with KPIs, and plans for the coming year, and I see it as a new opportunity for Members to discuss the work and performance of the Council.

A Quarter 1 KPI Report, including the measures that this question refers to, will be going to Cabinet next month. As such, and subject to that discussion and decision, I look forward to these new arrangements coming into place for the reporting of Quarter 3 KPIs.'

Notice of Motion submitted pursuant to Council Procedure Rule No. 5.27

To consider the following Notice of Motion proposed by Councillor J Clokey on behalf of the Liberal Democrat Group:

Winter Fuel Payments:

Council notes the recent announcement by the Labour Government to end universal winter fuel payments and restrict eligibility to only those in receipt of Pension Credits and other benefits.

Though many agree that universal Winter Fuel Payments are not necessary, Council is deeply concerned that many pensioners on lower and middle incomes will now not receive the payments. Across England and Wales the number of people eligible for winter fuel payments will fall by 10 million (from 11.4 million to only 1.5 million).

In Tonbridge and Malling the number of pensioners affected by the change in eligibility criteria is 22,217. That means 92.8% of pensioners currently eligible for winter fuel payments will no longer be able to claim the payment from this winter onwards.

Council believes that the Labour Government has set the threshold at which pensioners do not qualify for Winter Fuel Payments far too low. Only those receiving a pension of less than £218.15 a week (or £332.95 a week for couples) are eligible for pension credits. This is significantly lower than the living wage rate.

Council is also concerned by the low take up of pension credit with only 63% of those eligible nationwide receiving them – and over 880,000 pensioners not doing so. Council recognises the role we have to play to increase awareness of benefits such as Pension Credit to ensure people are aware of the support they are entitled to.

Council further notes that the Energy Price Cap is due to rise by 10% in October, which combined by the removal of Winter Fuel Payments will push thousands of local pensioners into fuel poverty.

Council is asked to:

- Instruct the Chief Executive to write to the Chancellor of the Exchequer calling for the policy on linking Winter Fuel Payments to Pension Credit receipt to be immediately paused and introduce a new threshold to determine eligibility for Winter Fuel Payments. Council further requests the Chief Executive write to all MPs covering Tonbridge and Malling asking them to give their formal support to halting the changes to the Winter Fuel Payment eligibility;
- Request all group leaders within Tonbridge and Malling Borough Council sign a joint letter to the Chancellor of the Exchequer calling for the new Winter Fuel Payment policy to be suspended and reviewed; and
- Urgently extend the scope of our awareness campaign to maximise uptake of pension credits. This will include use of council noticeboards, social media, promotion through local press, targeted communications with local voluntary

sector partners and investigation of the feasibility of sending targeted letters to those that we can identify as likely to be eligible.

Notice of Motion submitted pursuant to Council Procedure Rule No. 5.27

Motion on Behalf of the Liberal Democrat Group

Proposer: Councillor J Clokey

Seconder: Councillor F Hoskins

Amendment on Behalf of the Conservative Group (Approved)

Proposer: Councillor M Boughton

Seconder: Councillor M Coffin

- (1) Given that 22, 217 residents across Tonbridge are affected by the policy, Council instructs the Leader of the Council to write to the Chancellor of the Exchequer condemning the policy on linking Winter Fuel Payments to Pension Credit. Council further requests the Leader of the Council write to all MPs covering Tonbridge and Malling asking them to condemn the changes to the Winter Fuel Payment eligibility;
- (2) Request all group leaders within Tonbridge and Malling Borough Council sign a joint letter to the Chancellor of the Exchequer condemning the new Winter Fuel Payment policy, and
- (3) Urgently extend the scope of our awareness campaign to maximise uptake of pension credits. This will include use of council noticeboards, social media, promotion through local press, targeted communications with local voluntary sector partners and investigation of the feasibility of sending targeted letters to those that we can identify as likely to be eligible.

This page is intentionally left blank

Changes to Committee Appointments 2024/25 – Conservative Group

Name of Committee/Board	Add Cllr	Remove Cllr	New Vice-Chair
Communities and Environment Scrutiny Select Committee	R Dalton	S Bell	K Tunstall
Housing and Planning Scrutiny Select Committee	R Dalton	S Hudson	N/A
Overview and Scrutiny Committee	S Bell	K Tunstall	S Bell
	A Mehmet	D Harman	-
Joint Transportation Board	Cannon	Mehmet	N/A

Changes to Substitute Members 2024/25 – Conservative Group

Name of Committee/Board	Add Cllr	Remove Cllr	N/A
Communities and Environment Scrutiny Select Committee	R Cannon	R Dalton	
Housing and Planning Scrutiny Select Committee	S Hudson	R Dalton	
Overview and Scrutiny Committee	Steve Hammond	S Bell	
	Keith Tunstall	A Mehmet	

This page is intentionally left blank