

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 16th February, 2016

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 16th February, 2016

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

Apologies for absence were received from Councillors Ms J A Atkinson, Mrs P A Bates, T Edmondston-Low, S C Perry and Miss J L Sergison

PART 1 - PUBLIC

C 16/1 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, as Chairman of West Malling Parish Council, Councillor Mrs Dean declared an interest in the item relating to the Petition in respect of the proposed introduction of car parking charges in West Malling.

C 16/2 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 3 November 2015 be approved as a correct record and signed by the Mayor.

C 16/3 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since the last meeting he had attended numerous Christmas Carol Services and Nativity Plays at local schools which had been entertaining and interesting in their variety and content.

He thanked the Deputy Mayor for representing the Borough at several events, including attending the Nikolausmarkt in Heusenstamm.

The Mayor advised that he had received a letter from Mr Neil Charlesworth, Chairman of Tonbridge Lions Club, following the Remembrance Parade and the Service held at the Watergate Memorial commending the young people and representatives of the Armed Services who had participated in these events. He advised that the letter would be circulated to all Members.

**C 16/4 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 16/5 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 16/6 PETITION IN RESPECT OF PROPOSED INTRODUCTION OF
CAR PARKING CHARGES IN WEST MALLING**

The joint report of the Director of Street Scene, Leisure and Technical Services and the Director of Central Services and Monitoring Officer set out details of a petition presented by Mr R Selkirk, on behalf of West Malling Parish Council, at the Planning and Transportation Advisory Board held on 12 January 2016. The petition, which contained 2,500 signatures at that stage but had increased to 3,093 by the date of publication of the Council agenda, objected to the proposed introduction of car parking charges for the West Malling short stay car park. Members were reminded that, in accordance with the Council's Petition Scheme, any petition containing more than 1,500 signatures had to be discussed at a meeting of the Council.

The Council heard from Mr R Selkirk, as the organiser of the petition and from Mr R Meader of West Malling Chamber of Commerce, who was allowed to speak on the matter in accordance with Council Procedure Rule No 5.17.4. The Mayor reminded Members that their debate on the matter was limited to fifteen minutes and that, as the issue which had given rise to the petition was a matter for the Executive, any recommendation of the Council should inform that debate.

It was proposed by Councillor N Heslop and seconded by Councillor M Coffin that Cabinet be requested to consider the proposed introduction of car parking charges in West Malling at its next meeting, taking into account both the petition received from West Malling Parish

Council and the outcome of the formal public consultation exercise currently being undertaken.

Upon receipt of the necessary requisition under Council Procedure Rule 8.4 voting on the motion was recorded as follows:

Members voting for the motion:

Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs S Bell, Cllr R P Betts, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr B T M Elks, Cllr Mrs S M Hall, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr D Markham, Cllr P J Montague, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr M Rhodes, Cllr H S Rogers, Cllr C P Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Total 41

Members voting against the motion:

Cllr T Bishop, Cllr Mrs T Dean, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr Miss S O Shrubsole and Cllr M Taylor

Total 6

Members abstaining:

Cllr B J Luker

Total 1

The motion was accordingly declared carried.

C 16/7 LEADER'S ANNOUNCEMENTS

The Leader indicated that, as this was the budget meeting of Council, Councillor Coffin would be making recommendations for setting the Budget and the level of Council Tax later in the meeting. The Leader acknowledged that the financial challenges facing the Council were familiar across the whole of local government. He stated that the strategic approach taken by the administration to meet the financial challenge was to recommend the adoption of a Savings and Transformation Strategy by the Council to help guide decisions which would enable the delivery of the savings to be achieved by 2019/20. He noted that this was the first occasion that the Council had taken such an approach.

He advised that, while at a very early stage, a further strand was being developed which related to more joined up working on two key fronts. Firstly, the Borough Council was in discussion with the County Council on a 'District Deal' which would seek opportunities for more local service delivery and better use of property assets. Secondly, along with fellow West Kent district councils, discussions were being held on the development of a closer working relationship with the County Council over common issues affecting these authorities. As an example, the Leader indicated that this built on closer working on Economic Development and Tourism through the West Kent Partnership. He advised that he would report back on progress made in these areas in due course.

The Leader advised Members that he had pressed for a clear timetable for the improvements to be made to the Leigh Flood Storage Area (FSA). He recalled that, in announcing that funding would be made available to increase capacity at the Leigh FSA and to bring the programme forward from 2035 to 2017, the Government had stated that improvements would be made at key locations on the River Medway and the rivers Beult and Teise. In response the Environment Agency had established a project team and employed consultants to undertake technical work, including catchment modelling. The Leader expressed the belief that the works required to improve the Leigh FSA were well understood and capable of early implementation and that the Environment Agency's position was that work on the Medway Flood Storage Areas project was proceeding on time and on budget. He advised that the Environment Agency officials would be presenting the findings of the Initial Assessment to the project's Executive Group on 19 February 2016. The Leader advised that he would be attending a Flood Forum meeting hosted by the County Council in early March at which he would be making it clear that the Leigh Scheme should be progressed.

The Council was reminded that it regularly held meetings with a number of housing associations at the Housing Associations Liaison Panel which were chaired by Councillor Mrs Anderson and noted that a detailed report on the most recent round of meetings would be considered by the Housing and Environment Services Advisory Board on 22 February 2016. The Leader indicated that two notable concerns had emerged from the meetings. Firstly, that the housing associations were looking to make substantial operational efficiencies in light of recent changes in the sector such as the 1% rent reduction announced in the Budget. Secondly, although the housing associations continued to actively seek opportunities to provide new affordable housing within the Borough, this had become a greater challenge. He advised that the reduction on capital funding overall and the focus on Shared Ownership could lead to a significant reduction in the provision of Social Rent and Affordable Rent. He stated that some housing associations saw delivery for outright sale as a means to cross subsidise the provision of more units for rent and as part of a broader offer to meet housing need.

The Leader was pleased to inform the Council that the Chief Environmental Health Officer, Jane Heeley, had been nominated to the shortlist for the Better Business for All Awards. He invited Members to join him in congratulating her on this nomination which recognised the hard work and dynamic leadership she had shown in leading the programme in Kent.

Finally, the Leader announced that three sets of external funding had been secured for outdoor leisure projects. The SITA Trust had made an award of £50,000 to the Borough Council for improvements to play facilities at Haysden Country Park; the Rangers at Leybourne Lakes had received confirmation of a successful bid to TESCO funded by the introduction of the 5p carrier bag charge which guaranteed a minimum of £8,000 to be used to enhance the existing dipping pond area; and a joint bid with Tonbridge Round Table to Sport England had secured funding for the construction of two concrete table tennis tables at Tonbridge Racecourse sportsground.

C 16/8 SAVINGS AND TRANSFORMATION STRATEGY

Item CB 15/64 referred from Extraordinary Cabinet minutes of 17 November 2015

RESOLVED: That the recommendations at Minute CB 15/64 be approved.

C 16/9 LOCALISM ACT - PAY POLICY

Item GP 16/4 referred from General Purposes Committee minutes of 1 February 2016

RESOLVED: That the recommendations at Minute GP 16/4 be approved.

C 16/10 SETTING THE BUDGET FOR 2016/17

Item CB 16/4 referred from Cabinet minutes of 11 February 2016

It was proposed by Councillor M Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 16/4 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean,

Cllr B T M Elks, Cllr Mrs S M Hall, Cllr S M Hammond,
Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley,
Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr D Lettington,
Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr P J Montague,
Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller,
Cllr M R Rhodes, Cllr H S Rogers, Cllr R V Roud,
Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr Ms S V Spence,
Cllr A K Sullivan, Cllr M Taylor, Cllr F G Tombolis, Cllr B W Walker and
Cllr T C Walker

Total 48

Members voting against the motion:

None

Members abstaining:

None

RESOLVED: That the recommendations at Minute CB 16/4 be approved.

C 16/11 SETTING THE COUNCIL TAX 2016/17

Item CB 16/5 referred from Cabinet minutes of 11 February 2016

It was proposed by Councillor M Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 16/5 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour,
Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs S Bell, Cllr R P Betts,
Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson,
Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure,
Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean,
Cllr B T M Elks, Cllr Mrs S M Hall, Cllr S M Hammond,
Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley,
Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr D Lettington,
Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr P J Montague,
Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller,
Cllr M R Rhodes, Cllr H S Rogers, Cllr R V Roud,
Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr Ms S V Spence,
Cllr A K Sullivan, Cllr M Taylor, Cllr F G Tombolis, Cllr B W Walker and
Cllr T C Walker

Total 48

Members voting against the motion:

None

Members abstaining:

None

RESOLVED: That the recommendations at Minute CB 16/5 be approved and the Council Tax Resolution 2016/17, as set out as an Annex to these Minutes, be adopted.

C 16/12 SAVINGS AND TRANSFORMATION STRATEGY UPDATE

Item CB 16/6 referred from Cabinet minutes of 11 February 2016

RESOLVED: That the recommendations at Minute CB 16/6 be approved.

C 16/13 EQUALITY POLICY STATEMENT AND OBJECTIVES 2016-20

Item CB 16/7 referred from Cabinet minutes of 11 February 2016

RESOLVED: That the recommendations at Minute CB 16/7 be approved.

C 16/14 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2016/17

Item CB 16/8 referred from Cabinet minutes of 11 February 2016

RESOLVED: That the recommendations at Minute CB 16/8 be approved.

C 16/15 TECHNICAL CHANGES TO COUNCIL TAX

Item CB 16/9 referred from Cabinet minutes of 11 February 2016

RESOLVED: That the recommendations at Minute CB 16/9 be approved.

C 16/16 DRAFT SAFEGUARDING POLICY

Item CB 16/10 referred from Cabinet minutes of 11 February 2016

RESOLVED: That the recommendations at Minute CB 16/10 be approved.

C 16/17 RECOMMENDATION TO COUNCIL FOLLOWING HEARING OF JOINT STANDARDS COMMITTEE ON 4 JANUARY 2016

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding the recommendations of the Hearing Panel of the Joint Standards Committee which had met on 4 January 2016 to determine an allegation that Councillor Mike Taylor had breached the Codes of Conduct of Borough Green Parish Council and Tonbridge and Malling Borough Council.

The Panel had found that there had been a breach in respect of the obligation set out at paragraph 1 of the Borough Green Parish Council Code of Conduct which required members to “behave in such a way that a reasonable person would regard as respectful”. The Panel had found that there had been a breach of the Borough Council’s Code in respect of obligation 3(2)(f): “You must not conduct yourself in a manner which would reasonably be regarded as bringing your office or the Authority into disrepute” and the full reasons for the decision were contained in the Decision Notice set out at Annex 3 to the report.

Details were given of the sanctions agreed by the Panel, one of which was recommended to the Council for ratification; the remainder, relating to the Panel writing a formal letter to Councillor Taylor, reporting the Panel’s findings to Borough Green Parish Council, publication of the Panel’s findings on the TMBC website and emailing the findings to all Borough Councillors and Borough Green Parish Councillors, the local press and all Parish Clerks, had been implemented.

It was proposed by Councillor D Davis, seconded by Councillor D Cure and

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

- (1) Councillor M Taylor be formally censured.

C 16/18 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 Sir Thomas Smythe’s Charity for a further term of office.

RESOLVED: That Mrs Betty Keywood be re-nominated as a Trustee of Sir Thomas Smythe’s Charity for the parish of St Stephen for a further four year term of office.

C 16/19 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 8.46 pm