

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **COUNCIL MEETING**

**Tuesday, 14th February, 2017**

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 14th February, 2017

**Present:** His Worship the Mayor (Councillor M R Rhodes), the Deputy Mayor (Councillor R W Dalton), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, 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 R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr S C Perry, Cllr R V Roud, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole, Cllr Ms S V Spence, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors M C Base, Mrs P A Bates, V M C Branson, B T M Elks, Mrs S M Hall, S M King, P J Montague, L J O'Toole, H S Rogers, C P Smith, A K Sullivan and M Taylor

### **PART 1 - PUBLIC**

#### **C 17/1 DECLARATIONS OF INTEREST**

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

#### **C 17/2 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the meeting of the Council held on 1 November 2016 be approved as a correct record and signed by the Mayor.

#### **C 17/3 MAYOR'S ANNOUNCEMENTS**

The Mayor reported that since the last meeting he had attended many nativity plays, carol concerts and opening of Christmas fairs at schools and colleges throughout the Borough. He highlighted a number of memorable events including collecting for the RBL Poppy Appeal and the Remembrance Sunday parades, the various Christmas Festivals and switching on of lights around the Borough, the Leybourne Grange Riding

Centre for the Disabled Nativity, the Hi Kent Charity Draw and the Blessing of the Seas at Margate.

The Mayor reported on the successful dinner at the Old Fire Station which had raised funds for his charities. He also referred to future events including the Oast Theatre performance on 8 March which was now sold out and indicated that further details would follow of an Archery and Activity Day at Wide Horizons and a Charity Big Band event.

**C 17/4 ELECTION OF MEMBER FOR TRENCH WARD**

The Chief Executive as Returning Officer submitted the certificate of the result of the election held on 8 December 2016 to fill the vacancy for the Trench Ward. Members were advised that Miss Georgina Thomas (Conservative) had been duly elected as a Councillor to hold office until 2019.

**C 17/5 POLITICAL BALANCE ARRANGEMENTS FOR COMMITTEES**

The report of the Director of Central Services and Monitoring Officer gave details of the political balance arrangements to be applied to the Council's committees, sub-committees, advisory boards and panels following the by-election for Trench Ward.

It was noted that the overall allocation of seats was the same as that reported to the Annual Council meeting and details were given of proposed changes to membership notified by the Conservative Group.

**RESOLVED:** That

- (1) the composition of all committees, sub-committees, advisory boards and panels be approved in accordance with the table at paragraph 1.1.3 of the report and the Monitoring Officer be authorised to make any consequential amendments to the Council's Constitution in respect of political balance; and
- (2) the appointments set out at paragraph 1.1.4 of the report be approved as follows:

Councillor Mrs P Bates to fill the vacancy on the Overview and Scrutiny Committee

Councillor Miss G Thomas to fill the vacancy on the Joint Standards Committee

Councillor Miss G Thomas to replace Councillor Mrs P Bates on the Communities and Housing Advisory Board

Councillor Miss G Thomas to fill the vacancy on the Street Scene and Environment Services Advisory Board

**C 17/6 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 17/7 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5**

Councillor D Cure asked the following question pursuant to Council Procedure Rule No 5.5:

“Would Councillor Howard Rogers as Cabinet Member for Strategic Planning and Infrastructure of a Conservative Administration explain how he can dilute the Democratic Rights of residents of The Borough, by denying the right of neighbours and local residents to attend Area Planning Committee Site Meetings by a procedure which given its great implications has never been put to the Full Council.”

To which the Cabinet Member for Strategic Planning and Infrastructure replied as follows:

“The review of procedures for Members Site Inspections followed some initial consideration by a Panel of the Overview and Scrutiny Committee and subsequent work by officers, in consultation with the Chairmen of the Area Planning Committees and myself, to reflect the decision of Cabinet to implement some practical improvements to the current Area Planning Committee system.

The underlying approach was to clarify how Members Site Inspections should take place, taking into account current national guidance and good practice and recognising that the sole purpose of such Site Inspections is for Members of the Planning Committee to survey the site and surroundings in order to inform their subsequent consideration of a planning application.

Site Inspections by Planning Committee Members are not occasions for any debate, comment or the expression of views by any party. It is important that Members of the Planning Committee are allowed to simply view the site. Any queries arising can be put to planning officers who will answer them or note for further investigation. Members of the Public or other third parties have no ‘right’ to attend such site inspections. They do, of course, have an appropriate right to make written representations and speak at a Planning Committee meeting when decisions are made. The new procedure makes provision for a relevant Parish Council representative to attend as an observer.

The changes made are ones of clarity for the benefit of Planning Committee Members, the proper conduct of Site Inspections and to ensure the robustness of decisions ultimately made by the Planning

Committees. It is not a change that effects how the Council will look at planning applications or engage with members of the public through appropriate consultation”.

## **C 17/8 LEADER'S ANNOUNCEMENTS**

The Leader welcomed Councillor Georgina Thomas to her first meeting of the Council, saying that she was born and raised in Trench and was now one of the representatives for Trench Ward.

He advised that Councillor Martin Coffin would shortly present the Cabinet's recommendations on the budget to Council and in considering the budget proposals, it was worth reflecting on the context of the challenge faced at Tonbridge and Malling. Firstly, this was the first meeting of Council when budget setting would be taken in the knowledge that revenue support grant no longer existed (for TMBC at least). The means of paying for services provided by the Borough Council including emptying the bins, sweeping the streets, providing a housing service, the planning function, licensing, leisure activities and parks was now wholly dependent upon taxation, a share of business rates, charging and how the Council made best use of its capital resources.

The Leader said that Members would also be aware that the Council, at its November meeting, had adopted a scheme of special expenses covering the costs of selected local services, which were provided by the Borough Council in some areas of the Borough and by parish councils in other parts. He believed that the new arrangements had cross party support.

Secondly, the Leader indicated that the stretch on local government was increasing and the means of balancing expectation of the delivery of those public services and the human and financial resources available continued to widen. He set out those thoughts because, in going through the agenda that evening, his concern was to do the best to protect what was cherished in Tonbridge and Malling, providing the services believed to be important to local people but also being mindful of the wider challenges faced. The Leader stressed that over the coming months the Council would have to turn its attention to making some more very difficult choices within the context of the Savings and Transformation Strategy. It was simply not possible to continue to provide everything in the same way and to the same level, given the financial pressures.

On a positive note, as in previous years, the Leader was pleased to report that the latest audit letter from Grant Thornton was extremely complimentary about the financial approach of the authority. Two key passages worthy of note were:

In respect of value for money, as they had in many previous years, the auditors were “satisfied that the Council put in place proper arrangements to ensure economy, efficiency and effectiveness in its use

of resources”; and commenting on the savings challenge, they observed “the Council continues to address this gap in a structured way.”

A further positive was the announcement that local growth funding had been secured towards the Medway Flood Storage Area Project. This was the final tranche of funding that would now enable the £24 million project to go ahead, giving the Council and local people/businesses more certainty on the future of flood defences and much needed improvements to the Leigh Flood Storage Area, together with a flood protection bund at Hildenborough and a separate scheme of flood mitigation measures at East Peckham.

The Leader reported that the Council had been single minded on this issue, holding the line purposefully and working very closely with the Environment Agency, Kent County Council and other agencies during the bid process. He particularly wished to acknowledge the dedication and professionalism of those officers involved in the project - in particular Julie Beilby, Steve Humphrey, Mark Raymond, Jeremy Whittaker, Ian Bailey and Andy Edwards.

#### **C 17/9 DELEGATION OF FILM CLASSIFICATION**

Item LA 16/92 referred from Licensing and Appeals Committee minutes of 29 November 2016

**RESOLVED:** That the recommendations at Minute LA 16/92 be approved.

#### **C 17/10 POLICY STATEMENT - DISCLOSURE AND BARRING SERVICE**

Item LA 16/93 referred from Licensing and Appeals Committee minutes of 29 November 2016

**RESOLVED:** That the recommendations at Minute LA 16/93 be approved.

#### **C 17/11 APPOINTMENT OF EXTERNAL AUDITORS**

Item CB 17/3 referred from Cabinet minutes of 31 January 2017

**RESOLVED:** That the recommendations at Minute CB 17/3 be approved.

#### **C 17/12 RISK MANAGEMENT STRATEGY**

Item CB 17/4 referred from Cabinet minutes of 31 January 2017

**RESOLVED:** That the recommendations at Minute CB 17/4 be approved.

**C 17/13 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2017/18**

Item CB 17/5 referred from Cabinet minutes of 31 January 2017

**RESOLVED:** That the recommendations at Minute CB 17/5 be approved.

**C 17/14 SATURDAY HOUSEHOLD BULKY AND WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) SERVICE REVIEW**

Item CB 17/6 referred from Cabinet minutes of 31 January 2017

**RESOLVED:** That the recommendations at Minute CB 17/6 be approved.

**C 17/15 SETTING THE BUDGET 2017/18**

Item CB 17/19 referred from Cabinet minutes of 9 February 2017

It was proposed by Councillor M Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 17/19 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 Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, 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 T Edmondston-Low, 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 R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr R V Roud, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole, Cllr Ms S V Spence, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Total 40

Members voting against the motion:

None

Members abstaining:

None

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

**C 17/16 SETTING THE COUNCIL TAX 2017/18**

Item CB 17/20 referred from Cabinet minutes of 9 February 2017

It was proposed by Councillor M Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 17/20 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 Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, 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 T Edmondston-Low, 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 R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr R V Roud, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole, Cllr Ms S V Spence, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Total 40

Members voting against the motion:

None

Members abstaining:

None

**RESOLVED:** That the recommendations at Minute CB 17/20 be approved and the Council Tax Resolution 2017/18, as set out as an Annex to these Minutes, be adopted.

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

Consideration was given to the report of the Director of Central Services regarding the appointment of a replacement trustee of Sir Thomas Smythe's Charity for the parish of St Stephen, Tonbridge following the retirement of Mrs Betty Keywood.

**RESOLVED:** That

- (1) Councillor D Cure be appointed as a local representative/trustee of Sir Thomas Smythe's Charity for the parish of St Stephen; and
- (2) a letter of appreciation be sent to Mrs Keywood in acknowledgement of her service over many years.

**C 17/18 SEALING OF DOCUMENTS**

**RESOLVED:** That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

The meeting ended at 8.24 pm