

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Thursday, 20th October, 2016

Present: Cllr O C Baldock (Chairman), Cllr L J O'Toole (Vice-Chairman), Cllr Mrs S Bell, Cllr P F Bolt, Cllr M A Coffin, Cllr N J Heslop, Cllr B J Luker, Cllr R V Roud, Cllr C P Smith, Cllr Ms S V Spence and Cllr M Taylor

Councillors M R Rhodes and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor S C Perry

PART 1 - PUBLIC

GP 16/15 DECLARATIONS OF INTEREST

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

GP 16/16 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 27 June 2016 be approved as a correct record and signed by the Chairman.

GP 16/17 MINUTES OF ELECTORAL REVIEW WORKING GROUP

Members considered the proposals supported by the Electoral Review Working Group and set out in the Minutes of the meeting held on 19 July 2016 regarding the Community Governance Review of the Kings Hill parish boundary. It was recommended that the Area A1 was transferred to Kings Hill and no other parish boundary changes were proposed.

The next stage was to liaise with the Local Government Boundary Commission for England about any consequential changes to the Ward and Division boundaries and for the Borough Council to create the Order to make the parish boundary change. The change would take effect from the May 2019 elections.

RESOLVED: That the proposal to transfer Area A1 to Kings Hill as recommended by the Electoral Review Working Group of 19 July 2016 and set out at Minute ER 15/7 be endorsed.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

GP 16/18 2018 REVIEW OF PARLIAMENTARY CONSTITUENCIES

The report requested that delegated authority be granted to allow the Chief Executive to respond to the current consultation on the initial proposals for Parliamentary Constituencies.

These initial proposals would be considered by the Electoral Review Working Group on 22 November 2016 and a response to the Boundary Commission for England formulated. Due to the timing of the publication of the initial proposals in relation to the pre-arranged committee meeting programme it was not possible for the Working Group to prepare a response to present to the General Purposes Committee for approval in time for the close of the public consultation. Therefore, it was proposed that the Chief Executive, in liaison with the Leader, Deputy Leader and Chairman of General Purposes Committee finalise the response to the consultation following the meeting of the Electoral Review Working Group on behalf of the Borough Council.

It was noted that the boundary review was designed to equalise the numbers of electors per constituency although Tonbridge and Malling was particularly affected by the proposals. Members, local community groups and political parties could submit their own responses to the consultation if they wished.

RESOLVED: That, following the meeting of the Electoral Review Working Group on 22 November 2016 and in consultation with the Leader, Deputy Leader and Chairman of the General Purposes Committee, the Chief Executive be granted delegated authority to finalise the response to the Boundary Commission for England consultation on the initial proposals for Parliamentary Constituencies.

GP 16/19 REQUEST FOR DISPENSATION - CODE OF CONDUCT

Members considered a request for a dispensation under the Code of Conduct to enable Councillor Mark Davis to participate in meetings of the Area Planning Committees, the Planning and Transportation Advisory Board and other meetings where the Local Plan was under consideration in circumstances where Councillor Davis would otherwise be required to declare an Other Significant Interest (by virtue of being a partner in Warners Solicitors and having a client of the firm with an interest in the matter under consideration) and leave the room having taken no part in the discussion or vote.

It was noted that Councillor Davis did not seek a dispensation to vote on any such reports but sought permission to be allowed to remain in the

room and participate in discussions. The grounds for the request for the dispensation were set out in Annex 1 to the report.

Consultation had taken place with the two independent persons (David Ashton and John Gledhill) in advance of the meeting and their comments were noted. Particular reference was made to the observation raised by Mr Ashton that Councillor Davis could be considered to already have a favoured position by virtue of being a serving member of the Borough Council which could be seen to benefit potential business clients. The Director of Central Services reminded Members that any potential commercial benefits were not the 'test' for the Committee to consider but whether the granting of dispensation was appropriate in all the circumstances, having regard to a number of matters including the need to promote high standards of ethical conduct whilst at the same time allowing for the efficient and effective administration of Borough Council business.

Careful consideration was given to the request for dispensation as set out by Councillor Davis and whether his withdrawing from meetings for potentially having an Other Significant Interest due to his employment status as a partner of Warners Solicitors represented a disenfranchisement for him and local residents. Members felt it important that Councillor Davis should be able to listen to any relevant discussions to aid his understanding of any concerns raised and to enable him to accurately report the Borough Council's views to his constituents. The importance of setting out clear criteria for the dispensation to avoid confusion and to provide transparency for Members and residents was also recognised.

The Director of Central Services reminded the Committee of the circumstances under the current Code of Conduct where any Member with an Other Significant Interest had the right to address the meeting (for example via a three minute statement at Area Planning Committees) and that this should apply to Councillor Davis if a dispensation was granted.

After careful consideration, it was proposed that dispensation be granted to allow Councillor Davis to remain in the meetings of the:

- Area Planning Committees; and
- Planning and Transportation Advisory Board, Cabinet and Full Council where the Local Plan was discussed

to listen to, but not participate in, the debate or vote on the matter in hand. In addition, Councillor Davis would have the right to address the Committee but would not then be permitted to take further part in the discussions, this dispensation to be announced at all relevant Committees to avoid confusion. Finally, there should be a formal review of the dispensation after 12 months to monitor progress.

RESOLVED: That the request for dispensation for Councillor Mark Davis be approved on the grounds set out above and to remain in effect until the next local elections in May 2019, subject to anything arising from the formal review in 12 months.

GP 16/20 UPDATE OF THE FLEXIBLE RETIREMENT POLICY

The report of the Director of Central Services recommended a number of minor amendments to the Flexible Retirement Policy and proposed that the updated Policy, attached as Annex 2 to the report, be adopted.

Recommended changes included the addition of a new Section 2 entitled 'Principles'; the removal of the requirement to pro-rata the Essential Car User allowance for those taking flexible retirement and replacing the phrase 'where there is no cost to the Council' with 'where there are clear financial or operational advantages'. The recommended changes were compliant with the Local Government Pension Scheme Regulations 2007 and 2014, the Equality Act 2010 and aimed to avoid potential age discrimination and reinforce the Borough Council's commitment to equality issues.

RESOLVED: That the updated Flexible Retirement Policy, as set out in Annex 2 to the report, be adopted.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 16/21 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.25 pm