

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 11th July, 2017

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 11th July, 2017

Present: His Worship the Mayor (Councillor R W Dalton), the Deputy Mayor (Councillor Mrs P A Bates), Cllr Mrs J A Anderson, Cllr O C Baldock, 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 M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr S M Hammond, Cllr N J Heslop, Cllr D Keeley, Cllr D Keers, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr C P Smith, Cllr A K Sullivan, Cllr M Taylor, 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 A C Balfour, T I B Cannon, M O Davis, Mrs M F Heslop, S R J Jessel, Mrs F A Kemp, S M King, B J Luker, Miss S O Shrubsole and Ms S V Spence

PART 1 - PUBLIC

C 17/48 DECLARATIONS OF INTEREST

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

C 17/49 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 16 May 2017 be approved as a correct record and signed by the Mayor.

C 17/50 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since the Annual Council meeting he or the Deputy Mayor had attended around 65 engagements including school fetes, plays and award presentations. He commented on the amount of talent within the Borough and highlighted an outstanding performance of "Beauty and the Beast" by the students of Hillview School who had

offered to put on a smaller event for Age UK Dementia Day Care Centre near Christmas.

The Mayor mentioned a range of memorable events, in particular the Royal Garden Party, the Tonbridge Lions and Snodland Carnivals, the opening of the Tree of Hope charity in Tonbridge, the Primary Schools Kwik Cricket Festival and the Heusenstamm Friendship School Reception. He also thanked those who had attended his Civic Service and reminded Members of the forthcoming Garden Party at Hadlow College on 27 July. The Mayor's Quiz would be hosted at the Guy Salmon Jaguar dealership at Aylesford on a date to be confirmed.

C 17/51 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 17/52 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

Councillor M Taylor asked the following question pursuant to Council Procedure Rule No 5.5:

“Addressed to Chief Executive

- (1) If the outcome of the Parish Standards Panel Hearing 12/13 June is a recommendation back to the Standards Committee, or more properly the Parish Council involved, why has the draft "Formal Letter to Councillor Taylor" already been released into the Public Domain, long before BGPC had the opportunity to ratify and adopt the recommendation on 3 July? Specifically Kent Online report 29 June 2017 (copy attached).
- (2) Why did the Monitoring Officer brief TMBC's Barrister to the Panel about a hypothetical future Standards Complaint, no such complaint having been lodged or advised to date?"

To which the Chief Executive replied as follows:

“At the Panel hearing on 12 and 13 June 2017, the Standards Hearing Panel found that Cllr Taylor had breached the Borough Green Parish Council Code of Conduct. It resolved as follows:

- (1) The Panel's findings be reported to Borough Green Parish Council and the Parish Council be invited to issue Cllr Taylor with a formal censure for obstructing the Headmaster.
- (2) A formal letter be sent to Cllr Taylor on behalf of the Hearing Panel.

- (3) The Panel's findings be published by publication on the TMBC website, by email to the local press, the clerk to Borough Green Parish Council and members of Borough Green Parish Council.

The first of these is a recommendation to Borough Green PC, so therefore requires ratification by the Parish Council. The second and third elements of the sanctions are not recommendations to the Parish Council, nor do they require approval by either the Joint Standards Committee or the full Council of Tonbridge & Malling Borough Council. In accordance with paragraphs 4.1(j) and (l) of the Hearing Panel Procedure, they are sanctions that may be imposed by the Hearing Panel itself.

Under the Hearing Panel Procedure, once a Hearing Panel has made a decision, a summary of the panel's decision and recommendations, and the reasons for those decisions and recommendations, is published on the Council's website within 10 days.

Furthermore, the Borough Council is under a duty to make available to the public agendas, decisions and documents relating to proceedings of all of its committees and sub-committees, including the hearing panel, to the extent they do not disclose exempt information.

The Monitoring Officer did not brief the Council's barrister about a 'hypothetical future Standards Complaint'. Rather, the barrister was advised of an existing complaint against Cllr Taylor, in which the complainant has requested that their identity remain confidential. Whilst details of the complaint have not currently been disclosed to Cllr Taylor, I am aware that the Monitoring Officer explained to Cllr Taylor after the hearing that this position would be reviewed in the event that the complaint were to proceed to investigation."

C 17/53 PETITION - KEEP RIVER LAWN GREEN

The report of the Management Team gave details of a petition submitted on behalf of the "Keep River Lawn Green" organisation in relation to intended disposals of land owned by the Council at River Lawn Road and 1 – 4 River Walk, Tonbridge. At the time of the initial submission the petition had 1,576 signatories and satisfied the requirement under the adopted Petition Scheme that petitions containing more than 1,500 signatures should be debated by the Full Council. By the date of publication of the Council agenda the Barden Residents Association submitted an electronic copy of the petition on behalf of Keep River Lawn Green with 1,617 signatories together with a separate paper petition containing a further 1,601 signatures. The petition called upon the Council to "stop their plans to sell off River Lawn and old CAB building in River Walk until a proper public consultation has been held".

Mr M Hood, as the organiser of the petition, addressed the Council and in accordance with Council Procedure Rule No 5.17.4, Ms L Athey was also permitted to speak. Members then discussed the matter, a motion to suspend the 15 minute time limit for debate specified in the Petition Scheme having been defeated. It was noted that as the issue raised in the petition was one on which the Cabinet was required to make the final decision, the role of the Council was to consider whether to make any recommendations to inform that decision.

It was proposed by Councillor R Lancaster, seconded by Councillor B Elks and

RESOLVED: That the Council invites Cabinet to note the petition in respect of the open space at River Lawn when considering responses to the consultation on the disposal of the larger area of open space on this site. Council is mindful that a decision to proceed with the disposal of 1 – 4 River Walk was taken by Cabinet on 9 February 2017. Having carefully considered the matters raised in the petition, no recommendations are made to Cabinet on this disposal.

C 17/54 LEADER'S ANNOUNCEMENTS

Incidents

The Leader referred to the appalling events of the Manchester bombing, the attacks on London Bridge and surrounding area and at Finsbury mosque and then the Grenfell Tower fire, each of which had ended innocent lives, wrecked families and individuals and left affected communities in shock. He advised that in respect of the terrorist attacks, the Chief Executive ensured that the Council took part in Kent wide strategic briefings led by the Police and was guided by them in reviewing the safety of events, the Council's own service delivery and community issues within the Borough area.

Turning to the awful fire at Grenfell Tower, the Leader wanted to assure Members that the Director of Planning, Housing and Environmental Health had also ensured that the Council worked with partners across Kent, both in the social rented sector and also with private landlords. He had advised there were no similar tower blocks to Grenfell within the Borough. Whilst the Borough Council was not a housing stock-holding authority and had no direct responsibility in that regard, contact had been made with all Housing Association (HA) partners to ensure they were following due diligence in their role as 'responsible person' in ensuring that fire safety duties under the relevant regulations were fulfilled. The Leader was pleased to report that the feedback received from the Housing Associations thus far was that they were undertaking various reviews of their buildings and fire risk assessments and most were carrying out direct contact with their tenants. Liaison with each HA would be maintained and practical assistance offered where appropriate and possible.

Members were also informed that the Council was working in liaison with Kent Fire and Rescue Service (KFRS). In particular, an exercise had been undertaken to identify all residential buildings in the Borough of four storeys and over to assist with the overall assessment of risk by KFRS and also by landlords. Most of these buildings were in private ownership although there were some owned or managed by the Housing Associations.

The Council Private Sector Housing team was also working with KFRS to undertake joint visits where necessary as part of their high rise reassurance campaign. Whilst the Council's focus had been primarily on buildings in residential use, other key buildings had also featured in the consideration, such as West Kent College where there was contact with the College's property department. The next task was to identify any use of insulated cladding systems on those buildings although the Leader pointed out that it was not entirely straight forward because the Borough Council may not have been the Building Control Authority for all the buildings under consideration. Members were advised that staff were fielding multiple requests for information from a number of agencies which was keeping the Building Control team busy.

In addition the Council was reviewing its own fire risk measures and would formally review the strategic fire risk assessments in buildings which it occupied or those which were used by partners, such as the Leisure Trust, once further findings from the Grenfell enquiry were available. The Leader indicated that this might lead to some changes to practice and in some cases some small works. If anything more significant emerged it would be considered very carefully for attention.

Elections

Since the last full Council, the Kent County Council elections took place and then there was the General Election. The Leader commented on the challenge that both had presented to staff across the whole Borough Council and he thanked the Chief Executive and the staff for the smooth running of both elections.

Savings and Transformation Strategy

The Leader referred to the recognition that there was no one simple solution to addressing the very significant financial challenges faced by the Council. The Savings and Transformation Strategy, adopted by the full Council, provided a structure, a clear focus and a direction in addressing the significant challenges ahead. Members were aware that there was an identified target to deliver savings and/or generate new income streams within a relatively short timetable. When the budget was set by the Council in February 2017 the projected funding gap was £1.6M and the initial savings target set at £650,000 to be achieved and delivered by 1 April 2018.

The Finance, Innovation and Property Advisory Board had recently learnt that progress continued to be made towards meeting the savings target for this year, for example by the renegotiation of the services fee to Tonbridge and Malling Leisure Trust. However, the Leader highlighted the stark reality that there was still some way to go in identifying further savings that would contribute to meeting this year's target – let alone the remainder of the funding gap of £950,000. He said that the risk was that failure to identify and deliver those savings would put the Council on the edge of a financial precipice; somewhere it had never been and would not wish to go.

The Leader stated that it was important to recognise that the funding gap and thus the savings targets now faced were despite the fact that the Council had delivered over £3M in savings over the last four to five years. That in itself was an enormous achievement by for example: the creation of the Leisure Trust; review of the summer playscheme; the introduction of Special Expenses and the associated cessation of grants to parish councils; plus a wide scale reduction in the Council's establishments. However, it was not possible to stop there. The Leader was sure that Members did not need reminding that the Council was now totally reliant on council tax, its share of business rates, new homes bonus, fees and charges and investment income for delivering local services.

The future of funding for Local Government Services was unclear, the Council's financial arrangements with Government for the next three year were predicated on the future move to the full business rates retention scheme and the absence of any commitment to this in the recent Queen's Speech had created a void of uncertainty.

C 17/55 HUMAN RESOURCES STRATEGY UPDATE

Item GP 17/13 referred from General Purposes Committee minutes of 26 June 2017

RESOLVED: That the recommendations at Minute GP 17/13 be approved.

C 17/56 REVENUES AND BENEFITS - SHARED SERVICE

Item CB 17/46 referred from Cabinet minutes of 28 June 2017

RESOLVED: That the recommendations at Minute CB 17/46 be approved.

C 17/57 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT FOR 2016/17

Item AU 17/31 referred from Audit Committee minutes of 3 July 2017

RESOLVED: That the recommendations at Minute AU 17/31 be approved.

C 17/58 LOCALISM ACT 2011 - APPOINTMENT OF INDEPENDENT PERSONS

The report of the Monitoring Officer outlined the provisions of the Localism Act 2011 regarding the appointment of Independent Persons and arrangements for recruitment following the expiry of the terms of office of the current Independent Persons who were not seeking reappointment. A supplementary report gave details of the outcome of the recruitment process including the two applicants to whom it was proposed to offer the position.

RESOLVED: That

- (1) Mr Clive Grenyer and Mr David Mercier be appointed as Independent Persons under section 28 of the Localism Act 2011 for a term expiring on 30 June 2022; and
- (2) thanks be recorded to Mr David Ashton and Mr John Gledhill for their years of service as Independent Persons.

C 17/59 APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to the report of the Director of Central Services regarding the reappointment of Mrs D Huntingford as a nominative trustee of the Tonbridge United Charity for a further four year term for the period November 2016 to November 2020.

In a supplementary report circulated in advance of the meeting details were given of an invitation to consider the reappointment of Councillor Mrs P Bates as a local trustee of Sir Thomas Smythe's Charity for the parish of St Peter and St Paul with St Saviour, Tonbridge.

RESOLVED: That

- (1) Mrs D Huntingford be reappointed as a trustee of the Tonbridge United Charity for a further four year term;
- (2) Councillor Mrs P Bates be reappointed as a local trustee of Sir Thomas Smythe's Charity for the parish of St Peter and St Paul with St Saviour for a further four year term; and

- (3) appreciation be recorded of the contribution of councillors and members of the public serving on outside bodies.

C 17/60 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.

PART 2 - PRIVATE

C 17/61 REVENUES AND BENEFITS - SHARED SERVICE

(LGA 1972 Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

Item GP 17/16 referred from General Purposes Committee minutes of 26 June 2017

RESOLVED: That the recommendations at Minute GP 17/16 be approved.

C 17/62 PETITION - RESTRICTED ANNEXES

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

Restricted annexes to Cabinet report of 9 February 2017 for information.

The meeting ended at 8.35 pm