

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 13th July, 2021

At the meeting of the Tonbridge and Malling Borough Council held at Hadlow Manor, Maidstone Road, Tonbridge on Tuesday, 13th July, 2021

Present: His Worship the Mayor (Councillor R V Roud), the Deputy Mayor (Councillor Mrs S Bell), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr R P Betts, Cllr T Bishop, Cllr J L Botten, Cllr M D Boughton, Cllr V M C Branson, Cllr G C Bridge, Cllr R I B Cannon, Cllr A E Clark, Cllr M A Coffin, Cllr D J Cooper, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr S M Hammond, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr A P J Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr A Kennedy, Cllr D W King, Cllr J R S Lark, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr W E Palmer, Cllr M R Rhodes, Cllr H S Rogers, Cllr J L Sergison, Cllr T B Shaw, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr D Thornevell, Cllr F G Tombolis and Cllr C J Williams.

Councillors M C Base, Mrs T Dean, N Foyle and K King participated via MS Teams and joined the discussion when invited to do so by the Mayor in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors C Brown, N J Heslop, Mrs C B Langridge, N G Stapleton, M Taylor and Miss G E Thomas.

PART 1 - PUBLIC

C 21/50 DECLARATIONS OF INTEREST

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

C 21/51 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 4 May 2021 be approved as a correct record and signed by the Mayor.

C 21/52 MAYOR'S ANNOUNCEMENTS

The Mayor advised that he had attended a number of Covid secure and/or socially distanced engagements since the meeting of Annual

Council. He highlighted that he had taken part in a litter pick at Larkfield; attended the finish event of the RBLI V.E. Day relay race where eight members of the armed forces had cycled from Scotland to Aylesford; he had visited a care home in Tonbridge to celebrate their three-year anniversary and a primary school which promoted Plant for the Planet; attended an event to mark RBLI Armed Forces Day, and had taken part in a webinar event with Kent Air Ambulance.

He advised that future events included the Civic Service, a garden party at Bradbourne House, the local primary schools debate and a charity quiz.

C 21/53 ELECTION OF LEADER

It was proposed by Councillor V Branson, seconded by Councillor D Lettington and

RESOLVED: That Councillor M Boughton be appointed Leader for the remaining term of office of two years (up to 2023).

C 21/54 APPOINTMENT OF CABINET

The Leader presented details of the composition of Cabinet.

RESOLVED: That it be noted that the Cabinet will comprise seven Members (in addition to the Leader) with the responsibilities as set out in Annex 1 and duplicated below:

Councillor M Boughton - Leader
Councillor D Lettington - Deputy Executive Leader; Strategic Planning and Infrastructure
Councillor R Betts - Environment and Climate Change
Councillor V Branson - Economic Regeneration
Councillor M Coffin - Finance, Innovation and Property
Councillor D Keers - Community Services
Councillor P Montague - Technical and Waste Services
Councillor K Tanner - Housing

C 21/55 APPOINTMENT OF COMMITTEES

RESOLVED: That appointments to the Committees of the Council for the remainder of the 2021/22 municipal year be approved as set out at Annex 2.

C 21/56 APPOINTMENT OF ADVISORY BOARDS, PANELS AND OTHER MEMBER GROUPS

RESOLVED: That appointments to the Advisory Boards, Panels and other Member Groups of the Council for the remainder of the 2021/22 municipal year be approved as set out at Annex 3.

C 21/57 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

RESOLVED: That appointments of Chairmen and Vice-Chairmen of each Committee, Board, Panel and Group for the remainder of the 2021-22 municipal year be approved as set out at Annex 4.

C 21/58 APPOINTMENTS TO OUTSIDE BODIES

RESOLVED: That appointments to serve on outside bodies for the remainder of the 2021/22 municipal year be approved as set out at Annex 5.

C 21/59 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

Three questions were received from a member of the public pursuant to Council Procedure Rule No 5.6. The following written responses were provided by the Cabinet members with responsibility for environmental and waste services:

Question 1

What active steps have been taken by TMBC to manage the floundering waste services contract and to improve the doorstep refuse services provided to residents of Leybourne?

We are very concerned about the issues that some residents have been experiencing with the waste collection service, even before the impact of the current driver shortage which recently led to the suspension of green-lidded bin and green box collections, and apologise to all those who are affected, not only in Leybourne but in other areas of the borough. The contractor's performance has been affected by a number of issues since taking over the contract, including significant changes and improvements to the kerbside collection services in late 2019; the impacts of the Covid-19 pandemic which led to staff shortages due to illness and self-isolation; and an increase in tonnages across all material streams over the past year due to most people working and schooling at home.

We are in discussions with Urbaser about resolving these problems and delivering the waste collection and recycling service our residents expect. We expect Urbaser to meet its contractual obligations in full and we are issuing financial penalties for poor quality performance where appropriate and in accordance with the terms of the contract. We will continue to apply pressure at senior levels at Urbaser to ensure the contract terms are delivered and will consider all options available to achieve that objective.

Question 2

What financial penalties imposed on the contractor for poor performance are included in the waste services contract? How many times have financial penalties been imposed since the start of the contract? How much revenue has been generated by TMBC as a result of contractual financial penalties?

I can confirm that defaults are being imposed in accordance with the Contract and that defaults have been issued on 47 occasions since the start of the contract. Deductions are made from the contractor's monthly invoices and 50% of the deductions are placed into a 'charges pot'. The contract states that "*Where appropriate this money may be used to facilitate areas of particular good practice or high performance in carrying out the Service in the relevant Administrative Area or towards any improvements or initiatives relating to the Service from time to time in the relevant Administration Area*". Defaults were suspended through the core of the Covid pandemic but have been reintroduced in recent months, therefore, consideration has not been given to the specific use of any funding to date though any funding will be used in accordance with the contract condition highlighted above.

Question 3

What improvements in the service can the residents of Leybourne expect to see in:

a) the short term (next 6 weeks)

It is anticipated that changes being made by Urbaser to its drivers' contracts and pay will result in increased recruitment to help reduce the current impact of the national shortage of HGV drivers, and the specific impact being experienced by councils across the country. We will continue to apply the terms of the contract to help improve the quality of service provided

b) the medium term (next 6 months)

We will continue to apply the terms of the contract to help improve the quality of service provided. We will continue to expect Urbaser to meet its contractual obligations in full and will continue to apply pressure at senior levels at Urbaser to ensure the contract terms are delivered and will consider all options available to achieve that objective.

c) the longer term (next 12 months and beyond)

As per (b) above.

C 21/60 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 21/61 NOTICE OF MOTION SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE 5.27

Consideration was given to a Notice of Motion pursuant to Council Procedure Rule No 5.27 submitted by Councillor K King on behalf of the Conservative Group, and seconded by Councillor V Branson, in the following terms:

Fireworks and Airborne Hazards

We ask TMBC to:

- (1) encourage all public firework displays within Tonbridge and Malling borough to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people. This should involve organisers sending letters, social media and other channels at their own expense, to anyone living within close proximity to the display.
- (2) encourage Wedding venues to provide notice to local residents about firework displays which may happen as part of wedding celebrations, by sending letters, using social media and other appropriate channels at their own expense.
- (3) ask the Council's Communication Team to:
 - promote details about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks – in advance of annual events in November and December
 - publish regular campaigns about the impact of Chinese sky lanterns to wildlife and the environment with a view to discourage to public to use them
- (4) write to Tracey Crouch MP and Tom Tugendhat MP asking them to:
 - work with the Government to consider limiting the maximum noise level of fireworks to 90dB and to petition for a block on manufacturing or importing fireworks which contain plastic
 - ask the government to ban the sale of Chinese lanterns in the UK

- encourage local suppliers of fireworks to stock 'quieter' fireworks for public and private displays.

RESOLVED: That the motion as written be carried.

C 21/62 LEADER'S ANNOUNCEMENTS

The Leader moved that Rule 5.25(b), Part 4 of the Constitution be suspended for the meeting and proposed that the Opposition Group Leaders be allowed three minutes each in response.

The Leader commented that it was a privilege to be elected as the new Leader and that he was grateful to his friends and colleagues for their support. The Leader paid tribute to his predecessor, Councillor Heslop, and stated that there was no doubt that the sheer amount of work that Councillor Heslop had done over such a long period of time had made a difference to thousands of people across the Borough, his influence over the Borough Council would last for decades and his success in attracting investment to the Borough was second to none, with the Panattoni investment at Aylesford Newsprint being the latest in a long list of triumphs that Councillor Heslop could be immensely proud of. The Council had made huge strides forward in recent years, not least with the purchase of Temporary Accommodation units.

The Leader stated that on a personal level, he had only known Tonbridge and Malling Borough Council with Councillor Heslop as Leader. He had been a good friend and always encouraged him to go ahead with some of the projects he wished to pursue, especially locally in Tonbridge. He had led the Group and the Council through some of the most testing challenges in its history and he firmly believed that the Borough was a better place due to the work Councillor Heslop had done. The Leader was pleased that Councillor Heslop remained on the Council to share his expertise and experience and help shape the future of the authority even further. On behalf of those present, he wished to thank Councillor Heslop for his nine years of dedication as Council Leader and as he prepared to step into the role of Leader, he could only try and emulate Councillor Heslop's achievements.

The Leader announced that under his leadership he would make the changes necessary to better deliver for residents across the borough and that difficult decisions would clearly have to be made, but would be done so with care, compassion, and integrity. The Leader stated that he wished to remove party politics from decisions and that all ideas and suggestions would be carefully considered and it was his plan to work together to achieve the best for all residents. He had already invited each Group Leader to meet with himself and the Deputy Leader to discuss their ideas and priorities.

The Leader highlighted that in the next few weeks, the Council would be consulting on a new vision for the Borough. All residents, businesses

and interested parties would be free to respond on how they would like their council tax spent and this would create a vision as part of the Corporate Strategy.

The Leader acknowledged that there were two key challenges facing the Authority in the immediate moment; the Local Plan and the Waste Contract. In respect of the Local Plan, it was clear from the recent recommendation of the Planning and Transportation Advisory Board that there was a degree of consensus on the way this were to be approached. However, as this is reviewed, brownfield sites would be relooked at as it was his view that future development needed to be placed here, before greenbelt and greenfield sites were considered. Recycling collections had recommenced, but the problems were far from over.

It was the Leader's view that there was a need to reset the Council's relationship with Parish Councils and community groups and he had asked that recommendations to the Overview and Scrutiny Committee be tabled at the earliest opportunity for an overhaul of the way that Parish Partnership Panel and Tonbridge Forum were structured and that he would contact all Parishes and Community Groups to seek their input into these reforms.

In conclusion, the Leader stated that he was humbled to have been elected as Leader of the Council and would do his best to deliver what the residents wanted. The challenges facing the authority were great but there were also exciting opportunities ahead. It was his intention to deal with the difficult decisions fairly and grasp any opportunity available that would enhance the lives of those living and working in the borough and work with officers and Members of all parties to deliver for residents.

The full Leaders announcement can be viewed via YouTube at [Leader's Announcements](#)

C 21/63 REVIEW OF CCTV CAMERAS

Item CB 21/55 referred from Cabinet minutes of 2 June 2021.

RESOLVED: That the recommendation at Minute CB 21/55 be approved.

C 21/64 PROVISION OF ELECTRIC VEHICLE CHARGING POINTS

Item CB 21/56 referred from Cabinet minutes of 2 June 2021.

RESOLVED: That the recommendations at Minute CB 21/56 be approved.

C 21/65 MOBILE HOMES (REQUIREMENT FOR MANAGER OF SITE TO BE FIT AND PROPER PERSON) (ENGLAND) REGULATIONS 2020

Item CB 21/57 referred from Cabinet minutes of 2 June 2021.

RESOLVED: That the recommendation at Minute CB 21/57 be approved.

C 21/66 POLICY ON THE USE OF THE COUNCIL'S OPEN SPACES

Item CB 21/58 referred from Cabinet minutes of 2 June 2021.

RESOLVED: That the recommendations at Minute CB 21/58 be approved.

C 21/67 LOCAL PLAN DELIVERY APPROACH

Item CB 21/71 referred from Cabinet minutes of 6 July 2021.

RESOLVED: That the recommendation at Minute CB 21/71 be approved.

C 21/68 THE ADOPTION OF THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) MANAGEMENT PLAN

Item CB 21/66 referred from Cabinet of 6 July 2021.

RESOLVED: That the recommendations at Minute CB 21/66 be approved.

C 21/69 BOUNDARY REVIEW 2023 - INITIAL PROPOSALS FOR NEW PARLIAMENTARY CONSTITUENCY BOUNDARIES

The report of the Chief Executive provided information on the initial proposals for new Parliamentary constituency boundaries including the consultation process and background documents. The report proposed that a dedicated meeting of the Electoral Review Working group consider the proposals in relation to the Borough and that a formal response to the consultation be submitted thereafter.

To allow for consideration of the proposals in relation to the new Parliamentary constituency boundaries to be taken in public, the Leader proposed an amendment to the recommendation as follows:

That the General Purposes Committee be invited to consider the proposals and delegated Authority be given to the Chief Executive, in consultation with the Leader and Deputy Leader, to thereafter submit the Council's response to the Boundary Commission.

The proposal was duly seconded by Councillor Lettington and unanimously agreed.

RESOLVED: That the General Purposes Committee be invited to consider the proposals and delegated Authority be given to the Chief Executive, in consultation with the Leader and Deputy Leader, to thereafter submit the Council's response to the Boundary Commission.

C 21/70 BOUNDARY COMMISSION REVIEW - WARDING PATTERNS

An extraordinary meeting of the General Purposes Committee was held immediately prior to the meeting of Council to consider a submission to the Boundary Commission regarding the future warding arrangements of the Borough Council and recommended that an amended recommendation, as appended to the minutes, be recommended to Council.

In accordance with Council Procedure Rule No 8.5, Councillor Clarke requested that a recorded vote be undertaken. The request was supported by Councillor Lettington. The voting was recorded as follows:

Members voting in favour of the recommendation:

Cllr Mrs P A Bates, Cllr Mrs S Bell, Betts, Cllr J L Botten, Cllr M D Boughton, Cllr V M C Branson, Cllr R I B Cannon, Cllr M A Coffin, Cllr D Cooper, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr S M Hammond, Cllr S A Hudson, Cllr A P J Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr A Kennedy, Cllr D W King, Cllr J R S Lark, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr M R Rhodes, Cllr J L Sergison, Cllr K B Tanner, Cllr F G Tombolis and Cllr C J Williams.

Total 30

Members voting against the recommendation:

Cllr Mrs J A Anderson, Cllr T Bishop, Cllr G C Bridge, Cllr A E Clark, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr Mrs A S Oakley, Cllr W E Palmer, Cllr R V Roud, Cllr T B Shaw, Cllr Mrs M Tatton and Cllr D Thornewell.

Total 13

Members abstaining:

Cllr H S Rogers

Total 1

(Total Members eligible to vote = 44).

RESOLVED: That the amended recommendation, as appended to the minutes, be agreed.

C 21/71 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 10.14 pm
having commenced at 8.52 pm.