

# TONBRIDGE AND MALLING BOROUGH COUNCIL

## COUNCIL MEETING

### MINUTES

Tuesday, 21st February, 2023

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 21st February, 2023

**Present:** Her Worship the Mayor (Councillor Mrs S Bell), the Deputy Mayor (Councillor J R S Lark), Cllr Mrs J A Anderson, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr P Boxall, Cllr V M C Branson, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr A E Clark, Cllr M A Coffin, Cllr D J Cooper, Cllr R W Dalton, Cllr A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr N Foyle, Cllr S M Hammond, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr D W King, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr W E Palmer, Cllr M R Rhodes, Cllr R V Roud, Cllr T B Shaw, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr Miss G E Thomas, Cllr D Thornewell and Cllr C J Williams

Apologies for absence were received from Councillors M C Base, Mrs P A Bates, J L Botten, A Cope N J Heslop, A P J Keeley, Mrs F A Kemp, A Kennedy, H S Rogers, J L Sergison and F G Tombolis

(Note: Cllrs Mrs Bates and Sergison were unable to attend in person but listened to the debate via MS Teams).

### PART 1 - PUBLIC

#### **C 23/1 DECLARATIONS OF INTEREST**

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

#### **C 23/2 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the meeting of the Council held on 25 October 2022 be approved as a correct record and signed by the Mayor.

**C 23/3 MAYOR'S ANNOUNCEMENTS**

The Mayor advised of a number of engagements attended since the last meeting of Council and made particular reference to the following civic and charity events:

- The Borough Council's Armistice Day Service at Tonbridge War Memorial
- Tonbridge Remembrance Service
- Snodland Remembrance Day Service
- Traditional Christmas Afternoon Tea at Bradbourne House

Arrangements were being finalised for future civic and charity events and the following were noted:

- Mayor's Charity Cheque Presentation – Date to be confirmed
- Annual Council – 16 May 2023

Finally, the Mayor thanked the Deputy Mayor for attending a number of events on their behalf.

**C 23/4 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 23/5 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 23/6 LEADER'S ANNOUNCEMENTS**

The Leader reminded Members of the Councils legal obligation to set a balanced budget for 2023/24. This was the greatest responsibility that Borough Councillors had and getting it right ensured that Tonbridge and Malling remained one of the best places in the county to live, work and socialise.

Budget setting had been conducted in a cross party manner and this approach was welcomed by the Leader and Group Leaders and the budget proposals had passed through the Committee cycle with unanimous support.

Particular reference was made to the support provided to vulnerable residents across the community during a challenging winter period. The Borough Council had ensured that significant funds had been distributed to those in most need via the Household Support Fund.

The importance of economic growth in the Borough was understood and the Borough Council had committed to assisting small businesses in these uncertain times by signing up to the Federation of Small Businesses Local Leadership Pledge.

Other points highlighted included:

- Castlemas and the Borough Council continued to pursue payment on behalf of suppliers, staff and contractors;
- The recently finished public consultation on the Community Strategy;
- The successful bid for UK Shared Prosperity Funding;
- The installation of covert CCTV to target fly tipping;
- Leybourne Lakes and Haysden Country Parks had received Natural England accreditation;
- The next stage of the Tonbridge Town Centre Asset Review would commence shortly and this would include an updated parking study to assess changes in usage of the Tonbridge car parks since the pandemic;
- The funding investment from the Football Foundation to replace pitches in Tonbridge and Aylesford; and
- The ongoing challenges in respect of significant planning applications and the potential for the Levelling Up and Regeneration Bill to address some of these issues.

Finally, the Leader was keen to promote the Borough as somewhere to live, work and socialise.

The full Leaders Announcements were available on the Borough Council's [YouTube channel](#)

## **MATTERS FOR DECISION**

### **C 23/7      SETTING THE BUDGET 2023-24**

Item CB 23/11 referred from the Cabinet minutes of 14 February 2023.

It was proposed by Councillor Coffin and seconded by Councillor Boughton that the recommendations at Minute CB 23/11 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllrs Mrs Anderson, Bell, Betts, Boughton, Boxall, Branson, Bridge, Brown, Cannon, Coffin, Cooper, Dalton, D Davis, M Davis, Dean, Foyle, Hammond, Harman, Hickmott, Hoskins, Hudson, Keers, King, Lark, D Lettington, R Lettington, Luker, Montague, Mrs Oakley, Palmer,

Rhodes, Roud, Shaw, Tanner, Tatton, Taylor, Thomas, Thornewell and Williams

Total: 39

Members voting against the motion:

Cllr Bishop

Total: 1

Members abstaining = Cllrs Clark and Hood

Total: 2

(Total number of Members eligible to vote = 42)

**RESOLVED:** That the recommendations at Minute CB 23/11 be approved

#### **C 23/8      SETTING THE COUNCIL TAX 2023-24**

Item CB 23/12 referred from the Cabinet minutes of 14 February 2023.

It was proposed by Councillor Coffin and seconded by Councillor Boughton that the recommendations at Minute CB 23/12 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllrs Mrs Anderson, Bell, Betts, Bishop, Boughton, Boxall, Branson, Bridge, Brown, Cannon, Clark, Coffin, Cooper, Dalton, D Davis, M Davis, Dean, Foyle, Hammond, Harman, Hickmott, Hood, Hoskins, Hudson, Keers, King, Lark, D Lettington, R Lettington, Luker, Montague, Mrs Oakley, Palmer, Rhodes, Roud, Shaw, Tanner, Tatton, Taylor, Thomas, Thornewell and Williams

Total: 42

Members voting against the motion = 0

Members abstaining = 0

(Total number of Members eligible to vote = 42)

**RESOLVED:** That the recommendations at Minute CB 23/12 be approved and the Council Tax Resolution 2023/24, as set out as an Annex to these Minutes, be adopted.

**C 23/9 LOCAL COUNCIL TAX REDUCTION SCHEME**

Item CB 23/12 referred from Cabinet minutes of 14 February 2023.

**RESOLVED:** That the draft Local Council Tax Reduction Scheme 2023/24 (attached as Annex 1) be approved.

**C 23/10 CAPITAL PLAN REVIEW 2022-23**

Item CB 23/14 referred from Cabinet minutes of 14 February 2023.

Members noted that the Capital Plan Review had been considered in detail by the Cabinet as part of the substantive item on Setting the Budget 2023/23 (Minute Number CB 23/11)

**RESOLVED:** That the recommendations at Minute CB 23/14 be noted

**C 23/11 REVENUE ESTIMATES 2023/24**

Item CB 23/15 referred from Cabinet minutes of 14 February 2023.

Members noted that the Revenue Estimates 2023/24 had been considered in detail by the Cabinet as part of the substantive item on Setting the Budget 2023/23 (Minute Number CB 23/11)

**RESOLVED:** That the recommendations at Minute CB 23/15 be noted.

**C 23/12 AUDITOR'S ANNUAL REPORT**

Item CB 23/16 referred from Cabinet minutes of 14 February 2023.

**RESOLVED:** That the recommendations at Minute CB 23/16 be approved

**C 23/13 RISK MANAGEMENT**

Item CB 23/17 referred from Cabinet minutes of 14 February 2023.

**RESOLVED:** That the recommendations at Minute CB 23/17 be approved

**C 23/14 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2023-24**

Item CB 23/18 referred from Cabinet minutes of 14 February 2023.

**RESOLVED:** That the recommendations at Minute CB 23/18 be approved

**C 23/15 HOUSEHOLD RECYCLING AND WASTE SERVICE**

Item CB 23/19 referred from Cabinet minutes of 14 February 2023.

In accordance with Council Procedure Rule 8.4 Councillor Bishop requested that a recorded vote be undertaken. This was seconded by Councillor Boxall.

Members voting for the motion: Cllrs Mrs Anderson, Bell, Betts, Boughton, Branson, Bridge, Brown, Cannon, Coffin, Cooper, Dalton, D Davis, M Davis, Foyle, Hammond, Harman, Hoskins, Hudson, Keers, King, Lark, D Lettington, R Lettington, Luker, Montague, Mrs Oakley, Palmer, Rhodes, Roud, Tanner, Taylor, Thomas, Thornevell and Williams.

Total = 34

Members voting against the motion: Cllrs Bishop, Boxall, Dean, Hickmott and Tatton

Total = 5

Members abstaining from the vote: Cllrs Clark, Hood and Shaw

Total = 3

(Total members eligible to vote = 42)

**RESOLVED:** That the recommendations at Minute CB 23/19 be approved

**C 23/16 POLITICAL BALANCE ARRANGEMENTS FOR COMMITTEES**

The report of the Director of Central Services and Deputy Chief Executive set out details of political balance arrangements for committees, sub-committees, boards and panels following the resignation of Cllr Nick Stapleton of the Green Party.

As a result of the revised political balance allocation there were consequential changes to the composition of committees, sub-committees, boards and panels. These were summarised in Annex 1 to the report.

The Liberal Democrats advised out of meeting that Cllr Mrs A Oakley was their nominated member for the Joint Standards Committee.

**RESOLVED:** That

- (1) the composition of all committees, sub-committees, boards and panels be approved in accordance with the table at 1.1.5 of the

report and the Monitoring Officer make any consequential amendments to the Council's Constitution in respect of political balance;

- (2) the changes to the composition of committees, sub-committees, boards and panels, as set out in Annex 1 to the report, be approved.

### **C 23/17 MOTION SUBMITTED UNDER COUNCIL PROCEDURE RULE 5.27**

Consideration was given to a Notice of Motion (23/01) pursuant to Council Procedure Rule No. 5.7 submitted by Councillor F Hoskins and seconded by Councillor G Bridge on behalf of the Tonbridge and Malling Liberal Democrat Group in the following terms:

This Council notes that:

- (1) Every river in England is now polluted beyond legal limits;
- (2) The Environment Agency rated only 14% of rivers as 'Good' in 2019.
  - This chemical pollution is mostly caused by sewage discharges from water companies and the run-offs of nutrients from farms.
  - 36% of English rivers have been damaged by water companies.
  - Southern Water released 184 spills in the river Medway and its tributaries in the Tonbridge area during 2021.
  - Government funding to the Environment Agency to monitor river quality and regulate farms and water companies has dropped 75% since 2010/11.
  - In 2020 just 3.6% of pollution complaints made to the Agency resulted in penalties.
  - Farms are now almost never inspected, water quality is rarely tested, and water companies can pump raw sewage into rivers with virtual impunity.
  - In addition, tyre particles, metals from brake pads, and hydrocarbons from vehicle emissions wash off road surfaces and into rivers introducing potentially carcinogenic material into the water supply.
  - Phosphates are naturally occurring minerals found in human waste and can lead to dramatic growth in algae and can deplete oxygen levels when they are dumped in our rivers.
  - The latest targets approved on January 26th of 80% reduction of phosphates in rivers by 2038 allows water companies to continue dumping for another 15 years
  - Our River Medway and its tributaries in Tonbridge are particularly threatened by further sewage discharges.

This Council believes that the UK Government should commit to:

- Restoring Environment Agency budgets to deliver the necessary oversight.
- Increasing inspection regularity of water companies and farms, and rigorously prosecuting offenders through the Environmental Audit Committee and Ofwat.
- Funding local and highways authorities to introduce systems to prevent road pollutants from entering our water courses.
- Setting more ambitious targets for water companies to improve storm overflows.

Council resolves to request the Chief Executive write to

- The Secretary of State for Environment, Food and Rural Affairs calling for the Government to make these commitments.
- The Chairperson of the Parliamentary Environmental Audit Committee to advocate for greater enforcement of existing regulatory powers.
- The Chief Executive of Southern water calling for urgent action to address the impact of waste-water discharges on our local rivers.
- The Regional Director of the National Farmers' Union requesting clarification on the action being taken locally by farmers to prevent nutrient run-off.
- The charities River Action and The Rivers Trust expressing this Council's support for their campaign to restore the health of Britain's rivers.

Local MPs Tom Tugendhat and Tracey Crouch to be copied into this correspondence and asked for their support.

**RESOLVED:** That the Notice of Motion (23/01) be supported.

**C 23/18 UPDATE FOLLOWING STREET TRADING CONSULTATION**

Item LA 22/32 referred from Licensing and Appeals Committee minutes of 29 November 2022.

**RESOLVED:** That the recommendations at Minute LA 22/32 be approved

**C 23/19 COUNCIL TAX PREMIUM CHANGES FOR EMPTY HOMES AND SECOND HOMES**

Item CB 23/3 referred from Cabinet minutes of 10 January 2023.

Members were advised that the recommendations presented were subject to the Levelling Up and Regeneration Bill being enacted and guidance published by Government. At the current time, the Bill was still awaiting Royal Assent and it was recommended that this matter be deferred.



**RESOLVED:** That the recommendations at Minute CB 23/3 be deferred pending the enactment of the Levelling Up and Regeneration Bill.

**C 23/20 LOCALISM ACT - PAY POLICY**

Item GP 23/4 referred from General Purposes Committee minutes of 25 January 2023

**RESOLVED:** That the recommendations at Minute GP 23/4 be approved

**C 23/21 PAY AWARD 2023**

Item GP 23/12 (2) referred from an Extraordinary meeting of General Purposes Committee of 20 February 2023

The Chair of the General Purposes Committee in presenting the Minutes of 25 January 2023 for noting made particular reference to the extraordinary meeting held on 20 February which under its delegated powers had approved a 5% pay award to all staff.

The Committee had also recommended that 'the one-off cost of backdating the pay award to scales 1-6 of £50,000 be met from the Borough Council's General Revenue Reserve in 2022/23 be commended to Council for endorsement'.

**RESOLVED:** That the one-off cost of backdating the pay award to scales 1-6 of £50,000 be met from the Borough Council's General Revenue Reserve in 2022/23

[In accordance with Council Procedure Rule 8. 6 Councillor Clark asked that her vote against the motion (GP 21/12 (2)) be recorded in the Minutes]

**MATTERS FOR INFORMATION**

**C 23/22 DECISIONS TAKEN UNDER URGENCY PROVISIONS**

Members noted that decision number D230006URG in respect of Tree Safety and budget provision had been taken under urgency provisions as it was a departure from the Borough Council's adopted Budget and Policy Framework and in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules.

**C 23/23 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.

**MATTERS FOR CONSIDERATION IN PRIVATE****C 23/24 EXCLUSION OF PRESS AND PUBLIC**

The Mayor moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE****MATTERS FOR DECISION****C 23/25 AGILE PROJECT**

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

Item CB 23/25 referred from Cabinet of 14 February 2023

**RESOLVED:** That the recommendations at Minute CB 23/25 be approved.

The meeting ended at 9.35 pm