

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **COUNCIL MEETING**

### **MINUTES**

**Tuesday, 20th February, 2024**

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 20th February, 2024

**Present:** His Worship the Mayor (Councillor J R S Lark), the Deputy Mayor (Councillor S M Hammond), Cllr L Athwal, Cllr B Banks, Cllr K Barton, Cllr Mrs S Bell, Cllr A G Bennison, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr P Boxall, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr J Clokey, Cllr M A Coffin, Cllr A Cope, Cllr S Crisp, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr G B Hines, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr W J Mallard, Cllr A McDermott, Cllr A Mehmet, Cllr D W King, Cllr Mrs A S Oakley, Cllr R W G Oliver, Cllr W E Palmer, Cllr B A Parry, Cllr M R Rhodes, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr D Thornevell, Cllr K S Tunstall and Cllr C J Williams.

An apology for absence was received from Councillor Mrs T Dean

### **PART 1 - PUBLIC**

#### **C 24/1      DECLARATIONS OF INTEREST**

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

However, for reasons of transparency Cllr Clokey reminded Members that in relation to agenda item 17 (Treasury Management) he was employed by one of the companies who managed the fund. As this did not represent either a Disclosable Pecuniary or Other Significant Interest there was no reason for Cllr Clokey to withdraw from the meeting.

#### **C 24/2      MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the special, ordinary and extraordinary meetings of the Council held on 24 October and 12 December 2023 respectively be approved as a correct record and signed by the Mayor.

**C 24/3 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:

- School nativities and Christmas Fayres
- Borough Council Armistice Day Service at Tonbridge War Memorial
- Tonbridge Remembrance Day Parade & Service
- West Malling Remembrance Day Parade & Service
- Nuclear Veteran Presentation
- Charity Quiz at the Old Fire Station, Tonbridge
- Aylesford Jobs Fair
- Snodland Town Council's Christmas in Snodland
- Tonbridge Christmas Festival
- Tonbridge Lions Club's Seniors Party at The Angel Centre
- Opening of Babons Cancer Support

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

- Cheque Presentation – date to be confirmed
- Honorary Alderman Ceremony on 9 April 2024
- Primary Schools Debate in the Council Chamber on 18 April 2024
- Honorary Freeman Ceremony on 14 May 2024

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

**C 24/4 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 24/5 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 24/6 LEADER'S ANNOUNCEMENTS**

The Leader opened by paying tribute to Tracey Crouch MP who had announced that she would not be seeking re-election to represent the Chatham and Aylesford Constituency. She had been an exceptional champion for residents across Aylesford, Ditton, Larkfield, Snodland and the smaller villages in the north of the Borough and had a national

reputation through her work on loneliness, fixed odds betting terminals and especially through her Independent Review into Football Governance.

Particular reference was made to the preservation of the Finnish Sauna at Ditton which had been granted Grade II listed status and both Tracey and the Leader of the Borough Council had been pleased to welcome the Finnish Ambassador to visit the wonderfully unique building and celebrate the connection the community had with Finland.

Other points highlighted included:

- The major works at the Coldharbour roundabout in Aylesford at junction 5 of the M20 being led by Kent County Council and the importance of having the infrastructure in place to support development;
- The continuation of work alongside NHS Kent and Medway to secure appropriate medical facilities;
- The measures being taken to address anti-social behaviour caused by vehicles in and around Snodland and Larkfield which included the use of dispersal orders and Public Space Protection Orders;
- The steps taken to address misuse of Bailey Bridge car parks in Aylesford;
- The firm action being taken to address littering and flytipping which included unanimous cross party support to increase fines;
- The introduction of food waste collection from communal bin stores;
- The development of the Local Plan; and
- A Digital Inclusion Project run by Kent County Council.

The Leader also reminded of the financial support available to local businesses and residents, including the Shopfront Improvement Scheme, the Green Business Grant Scheme, the West Kent Rural Grants programme.

In closing, the Leader thanked every single colleague who had contributed to the successes of the Borough Council since May and for putting party affiliation behind them to work in the best interest of every resident.

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

### **MATTERS FOR DECISION**

#### **C 24/7      SETTING THE BUDGET 2024-25**

Item CB 24/22 referred from the Cabinet of 13 February 2024.

The Mayor proposed that Council Procedure Rule No 6.4 be suspended to allow the leading speakers from each Group to exceed the time limit on speeches when debating the budget proposals. This was seconded by Cllr Boughton and supported by the Council.

In presenting the budget proposals, which had been considered by the Overview and Scrutiny Committee and the Cabinet on 25 January and 13 February 2024 respectively, the Cabinet Member for Finance and Housing highlighted the areas of budget growth and pressure, outlined the support provided to vulnerable residents, businesses and community groups during the last financial year and welcomed the better than anticipated final Local Government Finance Settlement figure as well as better than anticipated business rates receipts. She referenced the Council's new Corporate Strategy and the priorities set within it and was delighted that through this Budget, funds could be allocated in earmarked reserves towards delivery of these priorities. The Cabinet Member for Finance and Housing was pleased to advise that the Borough Council had a balanced budget for 2024/25.

It was proposed by Councillor Tanner and seconded by Councillor Boughton that the recommendations at Minute CB 24/22 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllrs Banks, Bell, Bennison, Betts, Bishop, Boughton, Boxall, Bridge, Brown, Cannon, Clokey, Coffin, Dalton, Davis, Hammond, Harman, Hickmott, Hoskins, Hudson, Keers, King, Lark, Mallard, McDermott, Mehmet, Oakley, Palmer, Rhodes, Roud, Tanner, Tatton, Taylor, Thornewell, Tunstall and Williams

Total: 35

Members voting against the motion: 0

Total: 0

Members abstaining:

Cllrs Athwal, Barton, Cope, Crisp, Hines, Hood, Oliver and Parry

Total: 8

(Total number of Members eligible to vote = 43)

**RESOLVED:** That the recommendations at Minute CB 24/22 be approved.

**C 24/8      SETTING THE COUNCIL TAX 2024-25**

Item CB 24/23 referred from the Cabinet of 13 February 2024 recommended that a 3% or £6.93 per annum increase in the Borough Council's element of the Council Tax for 2024/25, representing a notional 'average' charge at Band D of £238.16 be approved.

As the billing authority, the Council was required to resolve the levels of council tax for each Band and for each area within the borough consolidating the requirements from all precepting authorities. A Council Tax Resolution incorporating all this information was presented to Members as a supplement to the agenda.

It was proposed by Councillor Tanner and seconded by Councillor Boughton that the recommendations at Minute CB 24/23 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllrs Athwal, Banks, Barton, Bell, Bennison, Betts, Bishop, Boughton, Boxall, Bridge, Brown, Cannon, Clokey, Coffin, Cope, Crisp, Dalton, Davis, Hammond, Harman, Hickmott, Hines, Hood, Hoskins, Hudson, Keers, King, Lark, Mallard, McDermott, Mehmet, Oakley, Oliver, Palmer, Parry, Rhodes, Roud, Tanner, Tatton, Taylor, Thornewell, Tunstall and Williams.

Total: 43

Members voting against the motion: 0

Total: 0

Members abstaining: 0

Total: 0

(Total number of Members eligible to vote = 43)

**RESOLVED:** That the recommendations at Minute CB 24/23 be approved and the Council Tax Resolution 2024/25, as set out as an Annex to these Minutes, be adopted.

**C 24/9      LOCAL COUNCIL TAX REDUCTION SCHEME 2024-25**

Item CB 24/24 referred from Cabinet of 13 February 2024. It was proposed by Cllr Boughton and seconded by Cllr Coffin that the recommendation of Cabinet be approved.

**RESOLVED:** That the draft Local Council Tax Reduction Scheme 2024/25 (attached as Annex 1) be approved.

**C 24/10 MEDIUM TERM FINANCIAL STRATEGY AND SAVINGS UPDATE**

Item CB 23/105 referred from Cabinet of 5 December 2023. Members were reminded that the recommendations had been considered in detail by the Cabinet as part of the substantive item on Setting the Budget 2024/25. Cllr Boughton proposed, seconded by Cllr Coffin that the recommendations of Cabinet be approved.

**RESOLVED:** That

- (1) the latest forecast of the Medium Term Financial Strategy and the funding gap, now estimated to be £1.78m after incorporating £120k of savings into Draft Estimates, for 2024/25 (detailed in 1.5.1) be noted;
- (2) the progress with the Savings and Transformation contributions for Tranche 1, as set out in 1.5.1, be noted;
- (3) the Tranche 1 savings target be divided into two parts, with a target saving of £195k in Tranche 1a and £305k in Tranche 1b;
- (4) the Finance, Regeneration and Property Scrutiny Select Committee give consideration to potential savings for Tranche 2 onwards and how these could be implemented; and
- (5) the proposals set out in 1.6.3 in respect of the windfall sum be commended to Council for approval.

**C 24/11 COUNCIL TAX PREMIUM CHANGES FOR EMPTY AND SECOND HOMES**

The recommendation of Cabinet of 5 December 2023 gave due regard to the financial and value for money considerations and the summary of the perceived risks set out in the report. It was recognised that these premiums could strengthen the incentive of owners of empty properties to bring them back into use and might encourage the sale or even private rental options in support of the Borough Council priorities in respect of housing options. This view was supported by the Council.

**RESOLVED:** That

- (1) the amendments to Council Tax empty home premiums from 2024/25 financial year onwards, as set out in 1.3.1, be adopted; and
- (2) a Council Tax premium to second homes from 2025/26 financial year onwards, as set out in 1.4.3, be introduced.

**C 24/12 SUSTAINABLE TEMPORARY ACCOMMODATION OPTIONS REPORT AND TEMPORARY ACCOMMODATION PROVISION ACTION PLAN**

Consideration was given to the recommendations of the Housing and Planning Scrutiny Select Committee of 14 December 2023 in respect of sustainable temporary accommodation options. Due regard had been given to the financial and value for money considerations and the legal implications set out in the external consultants (Altair) report. It was noted that the Temporary Accommodation Portfolio Action Plan had been approved and adopted by Cabinet on 5 December 2023.

**RESOLVED:** That the Options Appraisal Report on Sustainable Temporary Accommodation Delivery by Altair, attached at Annex 1, be noted and endorsed.

**C 24/13 LOCALISM ACT - PAY POLICY**

Consideration was given to the recommendations of the General Purposes Committee of 24 January 2024 in respect of the requirements of the Localism Act 2011 and an updated Pay Policy Statement for 2024/25 as set out in Annex 1.

As there had not been many significant changes in the Borough Council's remuneration policy, apart from the introduction of the Recruitment and Retention Market Supplement Policy in October 2023, the substantive content of the updated Policy was nearly identical to the Borough Council's first Pay Policy Statement (adopted by the Council on 16 February 2012).

**RESOLVED:** That the Pay Policy Statement set out in Annex 1 be endorsed and adopted.

**C 24/14 RISK MANAGEMENT**

Consideration was given to the recommendation of the Cabinet of 13 February 2024 in respect of risk management. Due regard had been given to the views of the Audit Committee of 15 January 2024, the review undertaken by Zurich Risk Management, the financial and value for money considerations and the legal implications.

**RESOLVED:** That

- (1) the Risk Management Health Check be reviewed and the Management response to the recommendations made be considered and approved;
- (2) the Risk Management Strategy and accompanying Risk Management Guidance be reviewed, and subject to any

amendments required, be recommended to Full Council for adoption;

- (3) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as RED, as well as the general positive 'direction of travel', be noted; and
- (4) the responsible owner of the implementation of the Agile software system be invited to attend a future meeting of the Audit Committee to discuss the risk.

**C 24/15      TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2024/25**

Consideration was given to the recommendations of Cabinet of 13 February 2024 in respect of treasury management. Due regard had been given to the views of the Audit Committee of 15 January 2024, the details of investments undertaken and return achieved in the first eight months of the current financial year, the financial and value for money considerations and the legal implications.

**RESOLVED:** That

- (1) the treasury management position as at 30 November 2023 be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2024/25 (presented to the Audit Committee at Annex 5) be adopted.

**MATTERS FOR INFORMATION**

**C 24/16      STANDARDS HEARING PANEL - 8 DECEMBER 2023**

The report of the Interim Chief Executive provided an update from a meeting of the Standards Hearing Panel which had met on 8 December 2023 to determine an allegation that a Borough Councillor had breached the Code of Conduct for the Borough Council.

Members noted that, having heard in person from the Independent External Investigator and the subject Member and having considered the written representations of the Independent Person, the Panel concluded that on balance of probabilities on the evidence presented that the Tonbridge and Malling Borough Council Code of Conduct had been breached. The full reasons for this decision were contained in the Decision Notice attached at Annex 1.



There was a brief discussion on the role of the Independent Person and it was hoped that the current second vacancy would be filled so that the Borough Council had 2 Independent Persons available to provide flexibility.

Reference was made to the further recommendation of the Panel (set out at 5.3 of the Decision Notice) that consideration be given to the format of private workshops/informal meetings in the future and it was suggested that clarity be provided on whether knowledge of the meeting itself should remain confidential or just the information provided or the discussions at the meeting.

**C 24/17      MINUTES OF CABINET AND COMMITTEES**

The Minutes of meetings of the Cabinet and Committees for the period October 2023 – January 2024, as set out in the Minute Book (Volume 1) (attached as a supplement) were received and noted.

Any recommendations to the Council from Cabinet or Committees were resolved elsewhere on the agenda.

**C 24/18      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 9.35 pm