

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **COUNCIL MEETING**

### **MINUTES**

**Tuesday, 9th April, 2024**

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 9th April, 2024

**Present:** His Worship the Mayor (Councillor J R S Lark), the Deputy Mayor (Councillor S M Hammond), Cllr L Athwal, 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 S Crisp, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr D Harman, Cllr G B Hines, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, 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

Apologies for absence were received from Councillors B Banks, A Cope, P M Hickmott, and W Mallard

### **PART 1 - PUBLIC**

#### **C 24/19 DECLARATIONS OF INTEREST**

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

#### **C 24/20 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the meeting of the Council held on 20 February 2024 be approved as a correct record and signed by the Mayor.

#### **C 24/21 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:

- Annual Community Concert for Senior Citizens
- 17<sup>th</sup> Tonbridge Scout & Guide Band's Sprint Concert

- Tonbridge Angels with Ferham Homes Presentation Ceremony to Slade Primary Schools U11 Girls Football Team
- The Chairman of KCC's Flag Raising Ceremony
- Tonbridge Lions Charter Night
- Mayor of Dartford's Charity Cabaret Night
- LAMPS Production
- Kent Golf Autism Acceptance Week Event

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

- Cheque Presentation – date to be announced
- Honorary Freeman Ceremony on 14 May 2024
- Annual Council on 14 May 2024

The Mayor was also pleased to be hosting 'Primary Schools Debates' in the Council Chamber on 18 April and 9 May 2024 and looked forward to some lively and interesting debates.

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

**C 24/22 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 24/23 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 24/24 LEADER'S ANNOUNCEMENTS**

The Leader's announcements referred to the 50<sup>th</sup> Anniversary of the Borough Councils formation and reflected on the concept of serving the community. This had been evidenced earlier in the evening with the conferment of Honorary Alderman titles on 6 former Councillors (Vivian Branson, Mark Davis, Ann Kemp, Brian Luker, Howard Rogers and Janet Sergison) in recognition of their dedicated service to residents over a number of years.

Reference was made to the work of current colleagues and the Leader paid tribute to Cllr C Williams for the organisation of a memorial bicycle ride to raise funds for the Kent, Surrey and Sussex Air Ambulance in memory of his daughter.

The Leader indicated that the one purpose of the Borough Council was to support community groups and organisations in the borough to help them flourish for the benefit of all residents. There was still time for organisations to apply for the current round of Community Development Grant funding and all were encouraged to 'spend locally on things that make a difference to us'.

There was also good news regarding a successful bid to the Public Sector Decarbonisation Scheme and the Borough Council had received grant funding of circa £1.6M to install air source heat pumps at Larkfield Leisure Centre. In addition, the Borough Council had received circa £400,000 from Sport England to fund energy saving measures at Larkfield Leisure Centre, including new solar panels and LED lighting. Both of these projects would reduce running costs and carbon emissions.

Members were advised of an inaugural West Kent Expo event organised by the West Kent Partnership which aimed to encourage networking, collaboration and investment into the local area. There was also good news regarding improvements to Sainsbury in Tonbridge with a recent public exhibition setting out plans for the store which would greatly improve that area of the town.

Finally, additional measures had been put in place to address anti-social behaviour within the borough and to support the work of Kent Police and other partners. A new Anti-social Behaviour Enforcement Team had started operating in Tonbridge and Malling. This provided a good opportunity for local concerns around ASB to be addressed by this Team.

Full Leader's announcements were available on the Borough Council [YouTube channel](#)

## **MATTERS FOR DECISION**

### **C 24/25 APPOINTMENT OF CHIEF EXECUTIVE**

Consideration was given to the recommendations of the Appointment Panel detailed in the report and the Leader of the Borough Council proposed that Damian Roberts be appointed as the Chief Executive of Tonbridge and Malling Borough Council.

It was also proposed that the interim arrangements currently in place continued until the new Chief Executive was in post.

Members welcomed the appointment and noted that the Appointment Panel were confident that Mr Roberts had the requisite skills, knowledge and experience to lead the Borough Council into the future.

Finally the Council recorded appreciation to Mr Adrian Stanfield for his performance as Interim Chief Executive.

**RESOLVED:** That

- (1) Mr Damien Roberts be appointed as permanent Chief Executive from 1 July 2024;
- (2) Mr Damien Roberts be appointed to the separate roles of Returning Officer and Electoral Registration Officer from 1 July 2024;
- (3) the following interim appointments continued, in addition to their substantive posts, from 15 May 2024 to 30 June 2024, or until such time as Mr Damien Roberts was in post:
  - Adrian Stanfield, Director of Central Service as Interim Chief Executive;
  - Sharon Shelton, Director of Finance and Transformation as Interim Deputy Chief Executive,
  - Joy Ukadike, Head of Legal and Democratic Services as Interim Monitoring Officer
- (4) the appointment of Adrian Stanfield to the separate roles of Returning Officer and Electoral Registration Officer continue from 15 May 2024 to 30 June 2024 or until such time as Mr Damien Roberts was in post.

**C 24/26      CHANGES TO THE CONSTITUTION - COUNCIL PROCEDURE  
RULE 5.5 - QUESTIONS FROM MEMBERS**

Consideration was given to recommended changes to the Constitution in respect of Committee Procedure Rule 5.5 (Part 4: Rules) to improve the process around submitting questions to Full Council.

Following a meeting of Council on 24 October 2024 a request had been received to review the current arrangements as it was felt that late receipt of questions did not always allow sufficient time for detailed responses to be provided.

The proposed changes to CPR 5.5 were detailed in Annex 1 and for convenience were set out in red text. The main changes were summarised in 1.2.2 of the report and introduced a consistency with CPR 5.27 (Motions on Notice) and applied maximum limits.

On the grounds that the proposed introduction of a deadline for questions to be submitted 10 working days before the date of the meeting meant that Councillors lost the ability to raise anything considered urgent, Cllr Hood proposed, seconded by Cllr Athwal the following amendment under Rule 5.5:

'urgent questions can be presented no later than 1600 hours on the working day prior to the date of the meeting on the understanding that a reply may not be comprehensive given the limited timeframe'.

Upon further discussion of this amendment, Members wanted to avoid over complicating the process, felt that there could be some ambiguity about what was considered urgent, expressed concern that this didn't address the issue previously raised by Councillors of insufficient time to respond fully. It was also noted that anything considered urgent could be taken as an urgent item of business at the discretion of the Mayor.

Following a vote the proposal for this amendment was lost.

There was also discussion on whether setting a maximum limit of 5 questions per meeting was sufficient. This process would be regularly reviewed and if a need to increase this number was demonstrated it would be given full consideration.

On balance, Members welcomed the proposed changes on the grounds that the operation of the rules relating to questions were clarified.

**RESOLVED:** That the Monitoring Officer be authorised to amend the Constitution as set out in paragraph 1.2.2 of the report and in Annex 1.

#### **C 24/27      PROGRAMME OF MEETINGS 2024-25 AND 2025-26**

The proposed programme of meetings for the municipal years 2024/25 and 2025/26 were presented for consideration and were attached at Annexes 1 and 2 respectively. Management Team, Senior Officers and Cabinet Members had been consulted on the proposed dates. Subject to any amendments identified by Members the programmes would be presented to Annual Council for endorsement.

It was the responsibility of the annual meeting of the Council to approve a programme of meetings for the coming year. However, it was considered sensible to present the programmes to this meeting to allow time for any proposed revisions to be made. The aim was to allow Annual Council to approve a schedule which was fixed for the upcoming municipal year, whilst recognising the need to respond to specific and changing circumstances. If a programme was not in place the Borough Council's ability to take decisions in a timely manner could be affected.

There had been a number of changes to the programme previously agreed in 2023 and Members attention was drawn to the amendments as detailed in paragraph 1.1.2 of the report.

Members noted that the budget setting cycle for 2025 was subject to confirmation of dates for Kent County Council, Kent Police and Kent Fire and Rescue Service budget meetings. Currently, the provisional

Borough Council programme allowed for Cabinet on 11 February 2025 and Council on 18 February 2025 and remained subject to change.

Finally, there was a request to avoid scheduling meetings during school holidays if possible/practicable so that there wasn't a barrier to encouraging people to stand as councillors. This would be taken into consideration when drafting the longer term programme for 2026/27.

**RESOLVED:** That

- (1) the Programme of Meetings for 2024/25 (as set out in Annex 1) be approved and presented to Annual Council for formal endorsement; and
- (2) the draft Programme of Meetings for 2025/26 (as set out in Annex 2) be agreed, subject to final approval at Annual Council in May 2024.

## **C 24/28 BIODIVERSITY NET GAIN MONITORING**

The report of the Director of Planning, Housing and Environmental Health set out options for monitoring and enforcing relevant agreements in respect of biodiversity net gain (BNG) legislation. The proposed monitoring fees were to offset costs incurred by the local authority.

Members were reminded that the legislation introduced from 12 February 2024 required developers to offset impacts of development with 10% BNG. This applied to major developments with immediate effect. Minor and small site applications would be affected from the legislative changes from 2 April 2024.

Careful consideration was given to the main issues outlined in 1.2 of the report. Three options were presented for discussion. Due regard was given to the legal, financial and value for money considerations and Members recognised that monitoring and charging supported climate change mitigation. Effective monitoring over a 30-year period was essential to ensure the establishment and flourishing of habitats and realising the co-benefits of BNG for green infrastructure, carbon sequestration and ecosystems.

**RESOLVED:** That

- (1) (to ensure a proportionate approach based on development size in line with the schemes that had been considered in the past 5 years) the Bio-diversity Net Gain monitoring fees set out in paragraph 1.2.6 (Option 3) be adopted by Tonbridge and Malling Borough Council;

- (2) the income generated via Bio-diversity Net Gain monitoring costs be held in a separately identifiable cost centre in the Borough Council's financial budgets; and
- (3) consideration be given on how to best utilise the income generated to offset staffing and other costs over the relevant monitoring period.

#### **C 24/29 HOUSING SERVICES STAFFING**

Consideration was given to the recommendations of the General Purposes Committee of 13 March 2024 in respect of a number of establishment changes in Housing Services which were supported by the Management Team.

**RESOLVED:** That

- (1) the Housing Solutions Officers (DV0785 and DV0788), Accommodation Officer (DV0786), Homelessness Prevention Officers (DV0789 and DV0790) and Housing Allocations Assistant (DV0791), be permanently established with effect from 1 May 2024; and
- (2) the funding for these posts be provided from the annual Homelessness Prevention Grant Allocations commencing in 2024/25, and it be noted that should future grant allocations cease to provide sufficient funding, a review of resourcing would need to be undertaken.

#### **C 24/30 FEEDBACK FROM CONSULTATION RESULTS OF THE SCRAP METAL DEALERS POLICY 2024 - 2029**

Consideration was given to the recommendation of the Licensing and Appeals Committee of 26 March 2024 in respect of proposed changes to the Borough Council's Scrap Metal Dealers Policy 2024-29.

A public consultation ran from 9 October 2023 to 30 November 2023, during which no representations were received.

**RESOLVED:** That the proposed changes to the Scrap Metal Dealers Policy 2024-2029, be approved.

#### **MATTERS FOR INFORMATION**

#### **C 24/31 MINUTES OF CABINET AND COMMITTEES**

The Minutes of meetings of the Cabinet and Committees for the period February to March 2024 set out in the Minute Book (Volume 2) (attached as a supplement) were received and noted.

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

**C 24/32 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 9.30 pm  
having commenced at 8.15 pm