

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **OVERVIEW AND SCRUTINY COMMITTEE**

### **MINUTES**

**Monday, 22nd April, 2024**

**Present:** Cllr Mrs A S Oakley (Chair), Cllr R I B Cannon (Vice-Chair), Cllr M A J Hood (Vice-Chair), Cllr C Brown, Cllr A Cope, Cllr D A S Davis, Cllr P M Hickmott, Cllr F A Hoskins, Cllr S A Hudson, Cllr D W King, Cllr J R S Lark, Cllr W E Palmer, Cllr D Thornewell, Cllr G C Bridge (substitute), Cllr S Crisp (substitute), Cllr A Mehmet (substitute) and Cllr C J Williams (substitute)

**In attendance:** Councillors B Banks, K Barton, A G Bennison, R P Betts, M D Boughton, J Clokey, M A Coffin, Mrs T Dean, D Keers, M R Rhodes, K B Tanner, Mrs M Tatton, M Taylor, and K S Tunstall were also present pursuant to Council Procedure Rule No 15.21.

Together with the following external representatives invited by the Chair to provide witness statements: Mr B Smith – Martin Square Traders; Dr R Gilmore – Thornhills Medical Practice; Ms N Elwell – Aylesford traders; Ms T Seamer – Tonbridge traders (submitted an apology for absence and provided a written statement); Ms J Wyatt – Slade Area Residents Association; Mr M Guyton – Tonbridge and Malling Leisure Trust

**Virtual:** Councillors L Athwal, P Boxall, R W G Oliver, B A Parry and R V Roud participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T Bishop, D Harman and G B Hines and an apology for in-person attendance was received from Councillor R W Dalton who participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21.

### **PART 1 - PUBLIC**

#### **OS 24/26 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

- Councillor G Bridge substituted for Councillor T Bishop
- Councillor A Mehmet substituted for Councillor R Dalton
- Councillor C Williams substituted for Councillor D Harman

- Councillor S Crisp substituted for Council G Hines

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

## **OS 24/27 DECLARATIONS OF INTEREST**

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

## **MATTERS FOR RECOMMENDATION TO THE CABINET**

### **OS 24/28 CALL IN OF EXECUTIVE DECISION D240034CAB - PARKING PROPOSALS AND CHANGES TO ON-STREET AND OFF-STREET PARKING FEES AND CHARGES**

The report of the Scrutiny Officer advised that in accordance with the Overview and Scrutiny Committee Procedure Rule 15 (c) as set out in Part 4 of the Constitution, five members of the Committee had raised a valid 'call-in' request in relation to the decision taken by the Cabinet in respect of the parking proposals and changes to on-street and off-street parking fees and charges.

Decision Notice D240034CAB (attached at Annex A to the report) had been published on 5 April 2024 and subsequently called-in by Councillors Thornewell, Dalton, Hoskins, Hickmott and Hood.

The grounds for call-in were set out in the report, at paragraph 1.2.1, and the decision was 'deferred' pending consideration by the Overview and Scrutiny Committee.

Members of the Committee considered the grounds for the call-in and a supplementary report of the Interim Chief Executive, provided at the request of Councillor Hood, setting out the legal position concerning fees and charges for on-street and off-street parking and the purposes for which any surplus income generation from parking could be used.

The Cabinet Member for Transformation and Infrastructure (Councillor Coffin), Cabinet Member for Finance and Housing (Councillor Tanner), Cabinet Member for Planning (Councillor Taylor) and the Leader (Councillor Boughton) were invited to respond to the concerns raised in the call-in request and provide justification for each of the decisions that were taken as part of Cabinet Decision D240034CAB by the Cabinet on 2 April 2024. It was explained that, based on the principle of consistency in implementing car park charges across the borough, due regard had been given to the introduction of on-street and off-street parking charges in the proposed areas where no charges were applied in the past, whilst the uniqueness of each and every car park and area was acknowledged and duly considered, including the responses from

the public consultation. Maintaining a balanced budget in the coming years was key for the Borough Council to ensure a continuous provision of a sustainable parking service for the borough amid the ever-increasing costs in the operation and management of parking services and the maintenance and investment of parking facilities.

In addition, six representatives from community organisations and local businesses were invited by the Chair to address the Committee in person (with the exception of one representative whose statement was read out at the discretion of the Chair), during which significant concern was expressed over the potential negative impacts, anticipated to arise from the introduction of parking charges in Larkfield and Aylesford, the extension of the Upper Castle Field car park and the extension of charging hours until 8pm including Sundays and Bank Holidays, on local residents, businesses and visitors.

A detailed and thorough debate followed in respect of Cabinet Decision D240034CAB during which each proposal was considered in order as set out in the Decision Notice.

With regard to Cabinet Decision D240034CAB (1) (ii), it was proposed by Councillor Thornewell and seconded by Councillor Hoskins that reconsideration be given to removal of the proposal for the introduction of on-street charges in West Malling High Street and Swan Street. Following a formal vote this proposal was rejected with 9 Members voting against, 5 voting in favour and 3 abstained from voting. The recommendation of the Committee remained as originally set out in the Decision Notice.

With regard to Cabinet Decision D240034CAB (2), it was proposed by Councillor Cannon and seconded by Councillor Williams that reconsideration be given to an increase of the free parking concession from half an hour to one hour in Martin Square car park, Larkfield, within the introduction of parking charges in the car park. Following a formal vote this proposal was supported with 12 Members voting in favour, 4 voting against and one abstained from voting. In accordance with Council Procedure Rule 8. 6, Part 4 (Rules) of the Constitution, Councillor Thornewell requested that it be recorded in the Minutes that he had voted against this proposal.

With regard to Cabinet Decision D240034CAB (3), it was proposed by Councillor Davis and seconded by Councillor Williams that reconsideration be given to a further reduction in the charge for a season ticket from £200 to £120 per annum in Aylesford Bailey Bridge (East) and Bailey Bridge (West) car parks, with the inclusion of no charge for up to one hour of parking and further consideration to be given to the provision of parking spaces for exclusive use by residents. The amended recommendations were made on the acceptance of the introduction of parking charges in these car parks, which were not to be introduced until the extension of the Bailey Bridge (East) car park had

been completed. This proposal was supported by the Committee and agreed by general affirmation.

With regard to Cabinet Decision D240034CAB (5), it was proposed by Councillor King and seconded by Councillor Mehmet that reconsideration be given to removal of the proposal to extend the Upper Castle Field car park on the grounds of preserving the public open green space. This proposal was supported by the Committee and agreed by general affirmation.

With regard to Cabinet Decision D240034CAB (8), it was proposed by Councillor Cope and seconded by Councillor Hood that the proposal be referred back to the Cabinet for reconsideration with the proviso that free parking concession for one hour on Sundays be provided in Tonbridge within the extension of charging hours at the Borough Council's car parks until 8 pm including Sundays and Bank Holidays (excluding Christmas Day, Boxing Day and New Years Day). Following an explanation provided by the Leader, it was moved by the Chair and seconded by Councillor Hudson that further information be prepared by Officers in advance of the extraordinary meeting of Cabinet scheduled for 30 April 2024 to enable the Cabinet to fully assess and consider the financial implications anticipated to arise from the proposed inclusion of no charge for up to one hour of parking on Sundays in Tonbridge, with particular reference made to the difference in tariff bands between long stay and short stay car parks in Tonbridge, the historical and existing refund schemes in place with certain businesses and the financial context of the proposal, within a complete picture. This amended proposal was supported by the Committee and agreed by general affirmation.

Furthermore, it was noted that an offer had been received from the Tonbridge and Malling Leisure Trust who proposed to make a recurring annual payment of £45,000 to the Borough Council in exchange for free parking concessions for the users of the Angel Centre leisure facilities after 6 pm including Sundays and Bank Holidays whilst the facilities remained open, subject to the final approval of the extension of charging hours in the Borough Council's car parks and the continuation of the existing arrangement in place to refund the charges for one hour of parking for users of the Tonbridge Swimming Pool, including during the additional chargeable hours. This offer was proposed by the Leisure Trust in the spirit of maintaining a mutually beneficial partnership with the Borough Council whilst seeking to protect the members of both the Angel Centre and the Tonbridge Swimming Pool under the current economic pressure and was welcomed by the Leader on behalf of the Cabinet.

For the purpose of clarity, it was confirmed by the Committee that no amendments had been recommended in respect of the other proposals within Cabinet Decision D240034CAB that had not otherwise been discussed as detailed above.

**RECOMMENDED\***: That the Cabinet reconsider its decisions in respect of the parking proposals and changes to on-street and off-street parking fees and charges (Cabinet Decision D240034CAB (2), (3), (5) and (8)) with recommended amendments as follows:

- (1) Cabinet Decision D240034CAB (2) be amended to “the parking charges to Martin Square car park be introduced as stated in the report, with the inclusion of no charge for up to one hour of parking”;
- (2) Cabinet Decision D240034CAB (3) be amended to “the parking charges to Aylesford Bailey Bridge (East) and Bailey Bridge (West) car parks be introduced as stated in the report, subject to the reduction in the charge for a season ticket to £120 per annum, the introduction of a scheme for parking associated with the local primary school and the inclusion of no charge for up to one hour of parking” with further consideration to be given to the provision of parking spaces for exclusive use by residents; however, the parking charges are not to be implemented until the extension of the Bailey Bridge (East) car park has been completed\*\* (Cabinet Decision D240034CAB (4) refers);
- (3) Cabinet Decision D240034CAB (5) in respect of the proposed extension of the Upper Castle Field car park be removed;
- (4) further investigation be undertaken by Officers and information prepared for the Cabinet to reconsider Cabinet Decision D240034CAB (8) with regard to a proposal to introduce no charge for up to one hour of parking on Sundays in Tonbridge in respect of off-street parking charges; and
- (5) Cabinet Decision D240034CAB (1), (4), (6) and (7) be retained.

**\*Recommended to Cabinet**

\*\* subject to Capital Plan/fast-track evaluations

### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **OS 24/29 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 11.00 pm  
with a break between 9.46 pm and 9.55 pm