

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 9th July, 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 July, 2024

Present: His Worship the Mayor (Councillor S M Hammond), the Deputy Mayor (Councillor C Brown), Cllr L Athwal, Cllr B Banks, 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 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 M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr J R S Lark, Cllr A McDermott, Cllr A Mehmet, Cllr D W King, Cllr Mrs A S Oakley, 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 Thornewell, Cllr K S Tunstall and Cllr C J Williams

Apologies for absence were received from Councillors K Barton, A Cope, P M Hickmott, W J Mallard and R W G Oliver

PART 1 - PUBLIC

C 24/56 DECLARATIONS OF INTEREST

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

C 24/57 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 14 May 2024 be approved as a correct record and signed by the Mayor.

C 24/58 ELECTION OF MEMBER FOR JUDD WARD, TONBRIDGE

The report of the Chief Executive and Returning Officer set out the results of the by-election held on 4 July 2024 to fill the vacancy in Judd Ward, Tonbridge.

Members were advised that Mr Stacey Pilgrim had been duly elected as Councillor to hold office until 2027.

C 24/59 MAYOR'S ANNOUNCEMENTS

The Mayor welcomed Damian Roberts (Chief Executive) and Stacey Pilgrim (Borough Councillor for Judd Ward) to their first meeting of the Council.

A number of engagements had been attended since the last meeting of Council and particular reference was made to the following civic and charity events:

- St John's Church Hildenborough's 180th Anniversary Event
- 80th Anniversary of D-Day Commemorative Service at Rochester Cathedral
- D-Day Beacon Lighting Ceremony at the RBLI
- Tonbridge Lions Club's Community Fete at Tonbridge Castle
- Spadework's 40th Anniversary Celebration Event
- Tonbridge Lions Club's It's a Knockout
- Unveiling of a Word Ward II Information Board relating to a V-1 Flying Bomb (Doodlebug), opposite Tonbridge School
- Chairman of KCC's Armed Forces Flag Raising Ceremony at County Hall, Maidstone
- Hillview School for Girls Primary Arts Festival at Deaconfield, Tonbridge
- Tonbridge Model Engineering Society's 80th Anniversary Celebration Event at The Slade, Tonbridge
- West Malling Community Choir's Joint Concert with Choeur a Choeur du Pays de Thelle at St James the Great Church, East Malling

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

- Remembrance Sunday Services – 10 November 2024
- Armistice Day – 11 November 2024

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

C 24/60 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 24/61 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

In accordance with Council Procedure Rule No. 5.5 a question had been submitted by Cllr Clokey in respect of the decision to extend the off-

street car parking charges. A detailed response had been provided by the Cabinet Member for Transformation and Infrastructure and the question and answer, attached as Annex 1 to the Minutes, were noted.

Cllr Clokey took the opportunity to ask a supplementary question and sought clarification on how ongoing usage of car parks would be assessed and reported to Members for consideration. The Cabinet Member indicated that regular updates would be provided to the Joint Transportation Board and appropriate Scrutiny Select Committee.

C 24/62 NOTICE OF MOTION SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE NO. 5.27 (24/004)

Consideration was given to a Notice of Motion (24/004) pursuant to Council Procedure Rule No 5.7 submitted by Cllr Clokey in relation to the LGA Debate Not Hate Campaign (as set out on page 27).

Members noted that subsequent to the meeting of Council of 14 May where this Campaign was first discussed, the LGA had published the 'Ending Abuse in Public Life Council Self-Assessment Toolkit'. As set out in the Notice of Motion, Cllr Clokey proposed that:

- the Chair of the Joint Standards Committee be responsible for co-ordinating the completion of this toolkit; and
- the Joint Standards Committee review progress against the measures supplied in the toolkit on an annual basis.

This was seconded by Cllr Hoskins and supported unanimously by Members. However, it was also recognised that elements of the campaign could be applied to members of the public and could be reviewed by a Scrutiny Select Committee if appropriate.

RESOLVED: That actions requested by the Notice of Motion (24/004) be agreed.

C 24/63 LEADER'S ANNOUNCEMENTS

The Leader opened his announcements by welcoming Damian Roberts to his first meeting of Full Council as Chief Executive, together with Cllr Pilgrim as the newly elected Member for Judd Ward and paid tribute to those Officers who had undertaken interim roles following the retirement of the previous Chief Executive. Appreciation was also recorded to the Deputy Leader (Cllr M Coffin) who had taken over many responsibilities in support of the Leader during the run up to the General Election.

Reference was made to the recent General Election which saw Tonbridge and Malling welcome two new Members of Parliament in Helen Grant (Maidstone and Malling) and Tristan Osborne (Chatham and Aylesford); Tom Tugendhat remained the Member of Parliament for Tonbridge.

The Leader acknowledged the challenges of getting local messages to residents during a pre-election publicity period (formerly known as *purdah*) as reinforced by the upcoming Local Plan considerations.

Members were reminded that the draft Local Plan would be published in the next few weeks and the challenges around balancing development to meet housing targets and listening to views of local communities and residents would be difficult. There could also be potential conflict with central Government with changes to the National Planning Policy Framework (NPPF) anticipated. When finalising the Local Plan there would be a real focus on the evidence base and feedback from public consultation. The Housing and Planning Scrutiny Select Committee would have the opportunity to comment on the draft Local Plan prior to the public consultation at its next meeting.

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

MATTERS FOR DECISION

C 24/64 POLITICAL BALANCE ARRANGEMENTS

The report of the Director of Central Services and Deputy Chief Executive set out details of political balance arrangements following the recent Judd Ward by-election. The Borough Council were required to apply political balance to its committees, scrutiny select committees and advisory panels and boards.

RESOLVED: That

- (1) the composition of all committees, scrutiny select committees and advisory panels and boards be approved in accordance with the table set out at paragraph 1.1.7 of the report; and
- (2) the Monitoring Officer make any consequential amendments to the Borough Council's Constitution in respect of political balance.

C 24/65 APPOINTMENTS TO COMMITTEES, PANELS AND GROUPS

As a consequence of the recent by-election for Judd Ward, there were a number of changes required to the membership of committees, scrutiny select committees, advisory panels and other groups for the remainder of the municipal year. Council was asked to approve membership in accordance with the Terms of Reference and delegated responsibilities set out in the Constitution.

The following appointments were recommended:

Area 1 Planning Committee	Cllr S Pilgrim (Green)
Communities and Environment Scrutiny Select Committee	Cllr S Pilgrim (Green)
Tonbridge Community Forum	Cllr S Pilgrim (Green)

There was also a requirement to appoint a new Chair for the Tonbridge Community Forum. After consultation between the Leaders of the Conservative Party and the Green Group, Cllr Boughton proposed that Cllr Lee Athwal be appointed as Chair of the Tonbridge Community Forum. This was seconded by Cllr Coffin and supported unanimously by Members.

Finally, the list of substitute Members agreed at Annual Council on 14 May 2024 would be updated to reflect that newly elected Cllr Pilgrim would fill the vacancies created by the resignation of former Cllr Hines.

RESOLVED: That

- (1) the appointment of Cllr Pilgrim to the Area 1 Planning Committee be approved;
- (2) the appointment of Cllr Pilgrim to the Communities and Environment Scrutiny Select Committee for the remainder of the municipal year be approved;
- (3) the appointment of Cllr Pilgrim to the Tonbridge Community Forum be noted;
- (4) the appointment of Cllr Athwal as Chair of the Tonbridge Community Forum be approved; and
- (5) the list of substitute Members be amended to reflect that Cllr Pilgrim would replace former Cllr Hines.

C 24/66 CHANGES TO THE CONSTITUTION

Consideration was given to recommended changes to the Constitution in respect of:

- (1) Council Procedure Rule 5.28 - Motions on Notice (Part 4 – Rules); and
- (2) the Planning Code of Good Practice (Part 5 – Codes)

Following the last meeting of Council, the Monitoring Officer had reviewed CPR 5.28 relating to the submission of Notices of Motion and it was recommended that the rule be amended to enable the Chief Executive to reject the motion if it related to national or international

matters in respect of which the Council had no powers, rights or duties. The recommended change was intended to provide greater clarity for future motions and addressed the concerns raised at the previous meetings.

Concern was expressed that the proposed amendment to CPR 5.28 prevented the Borough Council discussing issues that residents felt were important and that the authority had a responsibility for providing a unified voice on significant national and international issues. Cllr Bridge proposed that the wording '*e.g. the motion relates to national or international matters in respect of which the Council has no powers, rights or duties*' be removed and this was seconded by Cllr Hoskins. Following a vote this amendment was rejected.

A further amendment proposed by Cllr Clokey, seconded by Cllr Hoskins to add '*... and which does not affect the Borough*' after '*no powers rights or duties*' was rejected following a vote.

Councillor Boughton proposed, seconded by Cllr Coffin that CPR 5.28 be amended as detailed in the report and this was supported by the majority of Members.

With regard to the second recommended change, particular reference was made to the ongoing review of Borough Council assets within Tonbridge and as this progressed into the next phase it was appropriate to consider how any applications for development on Council owned land would be considered by the authority in its capacity as Local Planning Authority. Given the potential significance of proposals that were expected to arise through the review, it was recommended that all applications for planning permission submitted by the Borough Council as landowner should be determined by the Full Council. This would ensure that applications had been determined openly and transparently and allowed all Members of the authority to be involved in consideration of the proposals for development. The proposed amendments to the Codes were out set out in Annex 1.

Concern was expressed that the role of Area Planning Committees in decision-making of applications in their areas would be diminished and each Committee should be able to determine planning applications themselves. However, there were also views expressed that this proposed change to the Planning Code of Good Practice provided a greater level of scrutiny and removed any potential conflict between responsibility as a Borough Councillor or Ward Member. It was also felt important to separate the roles between landowner and decision maker.

Cllr Clokey proposed that 'if the Chair of the Area Planning Committee believed insufficient Members of the Committee were available to take the decision, due to having to declare an Interest and having to withdraw from the debate, that the application should be referred to the Council for decision'. This amendment was seconded by Cllr Hoskins.

In accordance with Council Procedure Rule 8.4 Councillor Thornewell requested that a recorded vote be undertaken. The request was supported by Councillor Hoskins.

The voting on the motion was recorded as follows:

Members voting in favour of the motion:

Councillors Athwal, Banks, Bennison, Bishop, Boxall, Bridge, Clokey, Dean, Crisp, Hoskins, Hood, Oakley, Pilgrim, Palmer, Parry, Roud, Taylor, Tatton and Thornewell.

Total: 19

Members voting against the motion:

Councillors Bell, Betts, Boughton, Brown, Cannon, Coffin, Dalton, Davis, Hammond, Harman, Hudson, Keers, King, Lark, McDermott, Mehmet, Rhodes, Tanner, Tunstall and Williams.

Total: 20

Members who abstained from voting: 0

(Total Members Eligible to Vote = 39)

Cllr Boughton proposed, seconded by Cllr Coffin that the Planning Code of Good Practice be amended as detailed in 1.2 of the report.

In accordance with Council Procedure Rule 8.4 Councillor Athwal requested that a recorded vote be undertaken. The request was supported by Councillor Parry.

The voting on the motion was recorded as follows:

Members voting in favour of the motion:

Councillors Bell, Betts, Boughton, Brown, Cannon, Coffin, Dalton, Davis, Hammond, Harman, Hudson, Keers, King, Lark, McDermott, Mehmet, Palmer, Rhodes, Tanner, Taylor, Tunstall and Williams.

Total = 22

Members voting against the motion:

Councillors Athwal, Banks, Bennison, Bishop, Boxall, Bridge, Crisp, Clokey, Dean, Hoskins, Hood, Oakley, Parry, Pilgrim, Roud, Tatton and Thornewell.

Total: 17

Members who abstained from voting: 0

(Total Members Eligible to Vote = 39)

RESOLVED: That

- (1) Council Procedure Rule 5.28 be amended as detailed in 1.1.4 of the report;
- (2) the Planning Code of Good Practice be amended as detailed in 1.2 of the report and in Annex 1; and
- (3) the Monitoring Officer be authorised to amend the Constitution as set out in paragraph 1.1.4 of the report and in Annex 1.

C 24/67 DECARBONISING AND ENERGY EFFICIENCY CAPITAL PLAN SCHEMES

Consideration was given to the recommendations of Cabinet of 8 July 2024 in respect of updating the Decarbonising the Council's Estate' List A Capital Plan Scheme. Particular reference was made to the Borough Councils successful applications for external grant funding from the Governments Swimming Pool Support Fund and the Public Sector Decarbonisation Scheme, which would be used to support a number of Schemes.

Following confirmation of the external grant funding awarded a revised set of allocations to individual projects, under the umbrella of the 'Decarbonising the Council's Estate, were detailed in the report considered by Cabinet. In summary, a total of £930,000 would be provided from TMBC funding and £1,644,799 from external grant funding. An additional £500,000 of Borough Council funding would be required as part of updating this Capital Plan Scheme and could be added from a combination of the revenue reserve for Capital Schemes and the Climate Change Reserve.

RESOLVED: That

- (1) the List A Capital Plan Scheme 'Decarbonising the Council's Estate' be updated to include all of the projects as outlined in the report considered by Cabinet on 8 July 2024;
- (2) a revised figure of £1,644,799 attributable to external grant funding be reflected in the updated Capital Plan Scheme; and
- (3) an increased contribution of £500,000 by the Borough Council to the Capital Plan Scheme be approved and divided as set out below:

- £225,000 funded from the Revenue Reserve for Capital Schemes;
- £275,000 funded from the Climate Change Reserve.

MATTERS FOR INFORMATION

C 24/68 NON-ANNUAL APPOINTMENT TO BERRY HOUSING TRUST

The Secretary of the Berry Housing Trust had advised that the information held by the Borough Council in respect of its non-annual appointments were out of date. Members noted the current appointments as set out in 1.1.2 of the report were for an indefinite period.

C 24/69 MINUTES OF CABINET AND COMMITTEES

The Minutes of meetings of the Cabinet and Committees for the period April to June 2024 set out in the Minute Book (Volume 3), attached as a supplement, were received and noted.

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

C 24/70 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 24/71 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 24/72 PROPOSED CHANGES TO THE ESTABLISHMENT

(Reasons: LHA 1972 – Sch 12A Paragraph 1 and 2 – Information relating to an individual and information which is likely to reveal the identity of an individual)

Consideration was given to the recommendations of the General Purposes Committee of 12 June 2024 in respect of a number of

establishment changes. Approval was required from Full Council for those proposals which represented budget growth.

RESOLVED: That with effect from 10 July 2024

- (1) the Internal Communications Officer post (DA1299) be permanently established at 18.5 hours per week;
- (2) the proposed changes within the Revenues and Benefits Service be established; and
- (3) the proposed changes within Accountancy and Exchequer Services be established.

The meeting ended at 9.16 pm