

# Public Document Pack



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Reference:  
Date: Tuesday 20 April 2021

Dear All

## **FULL COUNCIL - WEDNESDAY, 21ST APRIL, 2021**

I enclose, for consideration at the next meeting of the Full Council on Wednesday 21 April 2021, the following items that were unavailable when the agenda was published.

### **Agenda No    Item**

- 2        **Minutes of the extraordinary meeting dated 03 February 2021** (Pages 3 - 12)  
  
To approve the minutes of a previous meeting as a correct record. The only issue relating to the minutes that can be discussed is their accuracy.
- 3        **Minutes of the meeting dated 24 February 2021** (Pages 13 - 28)  
  
To approve the minutes of a previous meeting as a correct record. The only issue relating to the minutes that can be discussed is their accuracy.
- 6        **Questions from members of the public** (Pages 29 - 32)  
  
To receive any questions from members of the public, of which due notice has been given in accordance with Council Procedure Rule 8, to be submitted and answered.
- 7        **Questions from members of the Council** (Pages 33 - 34)  
  
To receive any questions from members of the Council, of which due notice has been given in accordance with Council Procedure Rule 10, to be submitted and answered.

Kind regards,

**Mark O'Callaghan**  
Scrutiny and Engagement Officer

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## TUNBRIDGE WELLS BOROUGH COUNCIL

MINUTES of a meeting of the Tunbridge Wells Borough Council, duly convened and held virtually at 6.30 pm on Wednesday, 3 February 2021

### PRESENT:

**The Mayor Councillor Joy Podbury (Chairman)**

**Councillors Atkins, Atwood, Backhouse, Barrington-King, Bailey, Bland, Bruneau, Chapelard, Mrs Cobbold, Dawlings, Ellis, Everitt, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Hill, Holden, Lewis, Lidstone, Mackonochie, March, McDermott, Morton, Neve, Noakes, Ms Palmer, Poile, Pope, Pound, Rands, Reilly, Rutland, Scholes, Scott, Simmons, Mrs Soyke, Stanyer, Thomson, Warne, Williams, Willis and Woodward (Vice-Chairman)**

**IN ATTENDANCE:** William Benson (Chief Executive), Stephen Baughen (Head of Planning Services), Gina Clarke (Team Leader Corporate Governance Lawyer) and Mark O'Callaghan (Scrutiny and Engagement Officer)

### APOLOGIES FOR ABSENCE

FC46/20 There were no apologies. Councillor Mrs Thomas was not present.

### DECLARATIONS OF INTEREST

FC47/20 No declarations of pecuniary or significant other interest were made.

### REGULATION 19 CONSULTATION ON PRE-SUBMISSION VERSION OF LOCAL PLAN 2020-2038 AND SUSTAINABILITY APPRAISAL

- FC48/20 Councillor McDermott moved, and Councillor Dawlings seconded, the recommendations set out in the report, comments included:
- The Council had adopted the current Local Plan in 2010. In 2014 the then Government had increased the number of houses to be built and work started on a new Plan immediately.
  - Development of the Plan included significant engagement with members, the public and local businesses that would provide a comprehensive evidence base.
  - A new Plan would provide certainty in decision making, protect the Council and its residents from speculative development, implement policies to deliver more affordable housing, provide more sustainable buildings and comply with the Government's requirement that all Local Authorities have a valid Plan by 2023.
  - A number of planning reforms were expected over the coming years, having an up to date plan would protect the borough from developers seeking to take advantage of the uncertainty.
  - All members had had the opportunity to be involved in the development of the Plan through the Planning Policy Working Group.
  - The Draft Local Plan had been subject to public consultation in the autumn of 2019, resultant changes to the Draft were set out in the report. The Pre-Submission version of the Plan was far stronger as a result of the consultation.
  - Further opportunities for public engagement would occur, particularly in the areas most affected, through the course of producing Supplementary Planning Documents for Paddock Wood, Tudeley and the Royal Tunbridge Wells Town Centre Plan in 2021 and 2022.

- House prices in Tunbridge Wells were twelve times gross household income, the second highest in Kent. There was a real need for genuinely affordable housing, particularly social rented housing which was at 60 per cent of average market rate. The new Plan would raise the percentage of affordable housing from 35 per cent to 40 per cent and ensure the majority of those were social rented.
- For far too long, infrastructure did not match house building. The new Plan would ensure infrastructure was delivered alongside any new development. The proposed new settlements at Tudeley and Paddock Wood would provide the required infrastructure worth an estimated £179million so as to not burden the existing residents.
- The plans for new settlements had been independently assessed to ensure they were viable and deliverable.
- The Plan was the most appropriate way to meet the required house building which would otherwise be forced upon the Council.
- Consultation on the Plan would commence on 26 March 2021 through eight weeks to 21 May 2021. All comments would be provided to the Planning Inspector for examination.
- The Planning Inspector would take a view on the soundness of the plan and advise the Council accordingly.

#### Public speakers:

- Mr Dave Lovell on behalf of Save Capel
- Mrs Hazel Strouts on behalf of Friends of East End (Benenden)
- Mrs Sue Lovell on behalf of Stop Overdevelopment of Paddock Wood
- Mr John Hurst on behalf of Tunbridge Wells Green Party
- Councillor Hugh Patterson on behalf of Capel Parish Council
- Councillor Matt Richards on behalf of Horsmonden Parish Council
- Mrs Evelyn Divall on behalf of Bidborough Parish Council
- Mr Adrian Berendt on behalf of Royal Tunbridge Wells Town Forum

#### Comments from the public included:

- The Council had presented five options for development in 2017 and the majority view had been in favour of development along the A21 corridor. Despite this a new settlement had emerged as the Council's preferred option.
- An area which consisted of two per cent of the borough's population would receive 50 per cent of the proposed new housing.
- Responses to the Regulation 18 consultation and other surveys showed 95 per cent opposition to the proposals from residents in the area.
- Democracy was lacking as was openness as explanations to the Plan consisted of difficult technical jargon.
- The National Planning Policy Framework was based on 'brownfield first', protecting Areas of Outstanding Natural Beauty, avoidance of flood zones and preservation of green belt. Conversely, the Plan focused on greenfield sites, strategic sites were adjacent to or in Areas of Outstanding Natural Beauty or flood zones. The new settlements would create urban sprawl from Tonbridge to Paddock Wood.
- Alternative sites had not been fully considered and key reports on viability and infrastructure were not open to public scrutiny.
- The proposals were criticised by independent experts and neighbouring authorities.

- Warnings of unrestricted development were unfounded and the Council's five year housing supply was all but met.
- The Plan failed to look forward to a post-covid world.
- Residents wanted a consensual Plan which regenerated neighbourhoods and communities with genuinely affordable housing close to employment. Such fundamental changes needed proper public debate.
- Proper consultation was difficult during Covid and with impending local elections.
- An affordable house was defined as 80 per cent of market value but in Tunbridge Wells the average was £482k. The only way to deliver genuinely affordable housing was through Community Land Trusts but no such provision was made in the Plan.
- The Council had already met 4.83 years of its five year land supply and it was expected to be exceeded by April 2021.
- The Plan failed to provide sustainable development.
- Recently announced planning reform set up three categories of land use: growth, renewal and protected which included green belt and Areas of Outstanding Natural Beauty. Planners would need to set higher standards to meet the challenges of climate change and there would be a focus on smaller builders providing smaller estates.
- In a post-covid world, town centres, retail spaces and offices would likely be repurposed for housing. The Plan took no account of these changes, instead building in new greenfield areas.
- The Plan was based on an outdated model of expanding villages in the south east of England. The future would be in 'levelling up' in the north of England.
- Expected infrastructure for existing developments had not been delivered.
- The Council had not provided an explanation as to why a buffer over and above the government targets was necessary and was underplaying the significance of local heritage assets in the affected areas.
- The proposed developments would destroy productive farmland and natural flood protections.
- The environmental assessments were supposedly completed in 2019 but the Sustainability Appraisal contained a number of unanswered questions.
- Flood prevention focused around fluvial water but disregarded surface water which was known to affect existing properties. Proposals for raised ground floors would do little to help others.
- Each area in the Sustainability Appraisal had been assessed in isolation but a holistic approach was needed.
- There was no masterplan for the regeneration of Paddock Wood town centre as the Council was awaiting an appeal decision. Now that the appeal had been allowed there was no time to consider alternatives.
- Use of town centre brownfield sites was welcomed.
- Measures to tackle climate change could be made stronger, for example, by not building on flood prone areas and ensuring new housing was carbon zero ready.
- The Ministry of Housing recently announced reforms to the planning system, putting the number of houses and their placement back to Local Authorities. The standard method of calculating housing numbers was not a target but rather a starting point from which to take

account of local constraints such as green belt. Housing targets did not override the protections in the National Planning Policy Framework or other legislation.

- Housing numbers could be reduced by 30 per cent which would allow more sustainable growth.
- Over 8k comments in respect of Capel were submitted to the Regulation 18 consultation, none of which will be provided to the Planning Inspector unless resubmitted under the Regulation 19 consultation.
- Approximately 20 per cent of the population of Capel had no or little access to the internet or the skills to access the 1100 pages which make up the Plan or to complete online consultation documents. Any consultation during Covid would not be representative.
- The area around Tudeley lacked infrastructure and the developers showed little interest in working outside the narrow scope of their particular site.
- Development in Capel would negatively impact on neighbouring Tonbridge but the Council had failed to establish the required Duty to Co-operate with Tonbridge and Malling Borough Council.
- If the Planning Inspector found the development at Tudeley unsustainable they will likely find the Plan to be unsustainable. A much better alternative site at Castle Hill was being disregarded in order to rush through the current Plan.
- Tudeley would have far greater impact on the setting of the Area of Outstanding Natural Beauty than Castle Hill which already had significant housing and major road connections.
- Whilst Castle Hill was in the Area of Outstanding Beauty it was outside the green belt and any expansion would not have the effect of coalescing with neighbouring settlements. Castle Hill would be the least worst option.
- Balancing the needs and wants of local communities with providing sufficient housing was challenging but the Plan did well in achieving its purpose as reasonably as it could.
- Failure to have a Plan was of chief concern to many as this would create much unconstrained development with the Borough Council unable to defend planning appeals.
- A quick online search revealed planning consultants offering maps of areas without a Plan showing a clear intention to take advantage of the situation.
- The Neighbourhood Development Plan for Horsmonden was in agreement with the proposed Local Plan which, together, allows Local Authorities to exercise some control over the location of development and the necessary infrastructure.
- Rejection of the Plan at this stage would abdicate any responsibility for planning decisions in the near future.
- Rural areas needed new housing to help retain growing families and provide opportunities for older people to down-size releasing further family homes.
- The environmental and traffic management policies in the Plan would protect the character of rural communities and were welcomed.
- The approach set out by the Campaign to Protect Rural England and Historic England in assessing the impact on heritage assets around new developments was supported.
- The potential for developer contributions in mitigating the impact of developments was welcomed.

- Development of the Plan had involved countless hours spent and considerable sums by Council officers and some residents.
- Whilst few would welcome building on greenfield sites, if the Council did not have a viable plan for development, one would be imposed with little or no local control.
- No plan would be perfect for all but there was much to welcome in this plan, particularly in providing much needed infrastructure, active travel and tackling climate change.
- Rejection of the Plan would not stop the development but would stop the investment in infrastructure and would reduce any control.

Councillor Hayward raised a point of order that he had indicated to speak before the start of the agenda item in order to move a motion without notice in accordance with Council Procedure Rule 12. The Mayor invited Councillor Hayward to speak on the motion.

Councillor Hayward moved, and Councillor Pope seconded, a motion without notice in accordance with Council Procedure Rule 13.11 to adjourn the debate (referred to as Council Procedure Rule 12.11 at the meeting). The Mayor advised that, in her opinion, the matter had not been sufficiently debated and there was sufficient time to continue debating the matter. The closure motion was overruled.

Debate included consideration of the following additional points:

- A considerable amount of correspondence had been received on the matter, the majority of which accepted the need for more housing in the Borough and national policy concurred with the need for more housing to tackle the housing crisis.
- Concerns had been raised around Paddock Wood's suitability for development given problems of flooding. Such concerns had been addressed by the Council through comprehensive risk assessment working with the Environment Agency. Much of the new housing would be outside the flood plain and new housing in the west of the town would include mitigation which would improve the situation for existing town centre residents.
- The Council was also aware of concerns regarding sewer capacity in Paddock Wood and had been working with Southern Water to adequately plan for the future.
- Significant investment in infrastructure was planned with new leisure facilities, two new schools and expansion of existing schools, new medical centres and open spaces.
- The Plan would increase the provision of affordable housing from 35 per cent to 40 per cent across the Borough.
- Infrastructure would only be possible with long-term planning, unplanned development would not come with the certainty needed for long-term planning and many services would not be delivered.
- Policies EN1 and EN2 set strict standards for sustainable design.
- Policy EN3 required that new buildings emit 10 per cent less CO<sub>2</sub> than the national guidelines for appropriate materials, larger developments would be required to beat targets by a further 15 per cent through on-site renewable energy generation.
- Policy EN9 required a net gain in biodiversity by at least 10 per cent.
- The Plan also addressed employment, economic development and urban redevelopment alongside housing.
- The proposed business park on Kingstanding Way, which recently

obtained planning permission, would contribute 6k new jobs and represented a £220million capital investment in the Borough and £50million per year to spending in the Borough.

- The Plan enabled the creation of a much-needed Town Centre Area Plan for Royal Tunbridge Wells. The Town Centre Plan would be a holistic framework to redevelop the town centre. If approved, work could start this year.
- Master-planned expansion of Paddock Wood with new employment opportunities being provided particularly in the north of the town would allow redevelopment of its town centre.
- House building would be controversial wherever it was built, however new housing provided new customers for businesses and services.
- The Plan would facilitate the roll-out of high-speed internet across the Borough.
- A number of commercial properties had been submitted as potential sites for residential redevelopment but these had not been accepted to protect sites for future employment opportunities.
- The increase in affordable housing provision was welcome. Greater numbers and more social housing was needed.
- Some doubted whether the hoped-for infrastructure would be delivered and the sustainability of many of the proposed developments, particularly with regards to increased traffic movements around the A26. Considerable effort had gone into preparing the Plan with good intentions and many of the concerns raised by members had been addressed.
- Significant new housing was needed, particularly for the 19-35 year-olds who were unable to get on the housing ladder. Historic under-supply had created a shortage which was also pushing up prices.
- The Plan contained several sites which were not included in the Draft and involved the release of green belt land and had been added to the Pre-Submission Plan after the consultation.
- Sites previously judged to be not suitable for development had to be reintroduced to the Plan following the removal of a number of other sites which had failed to obtain Planning consent. The potential harm to the green belt had seemingly diminished without explanation.
- The decision to be made was significant with long-term implications.
- The volume of objections from particular areas was concerning and it was disappointing more could not be done to come to a mutual agreement.
- Significant changes to town centres were anticipated and there may be further housing opportunities in the near future.
- Potential national planning reform could reduce the influence of the local authority and contradictory messages on the matter made it all the more important to have a robust plan in place.

Councillor Pound raised a point of order that Councillor Hayward's moving of a closure motion did not constitute his speech on the business of the motion (Council Procedure Rule 13.4.1). The Mayor, on the advice of the Legal Officer, ruled that Councillor Hayward may speak on the motion.

Debate included consideration of the following additional points:

- Several important components of the Plan, including the Paddock Wood masterplan and the Paddock Wood Flood Appraisal, were missing from the public documents. Drafts of some of the documents were only available through the members' password protected site.



- It was believed that some members had not accessed the members' site before the day of the meeting and not all members had attended the available briefings through the Planning Policy Working Group.
- The subject was hugely complicated, not all information was openly available in a timely manner.
- There seemed to be pressure to progress the Plan against a self-imposed deadline, the potential risk of unrestricted development was unlikely in practice. Time should be taken to ensure the protection of the environment in the interests of residents.

Stephen Baughen, the Head of Planning Services, at the invitation of the Mayor to provide professional advice, commented:

- Members had had access to the Pre-Submission Local Plan, Sustainability Appraisal and the Infrastructure Delivery Plan in the public documents.
- Supporting evidence documents including Paddock Wood masterplan and the Flood Modelling report for Paddock Wood and east Capel have been available to members since 18 December 2020.
- No concern relating to the availability of the documents had been raised at any time prior to this meeting, including at formal opportunities at the Planning and Transportation Cabinet Advisory Board or the Cabinet.
- The Plan was based on the supporting evidence which had been examined in detail through the Planning Policy Working Group, papers of which were available to all members regardless of whether they attended the meetings.
- All documents would also be available at the inspector's examination.
- The Local Development Scheme set out the programme for determining the Local Plan, the scheme was updated in summer 2020 and was clear that a decision in February 2021 allowed for consultation in March and April for submission in July. This was the Council's agreed timetable.
- The implications of not having an up-to-date Local Plan were already being felt and this was affecting current planning decisions and appeals against recent planning decisions.
- The Housing Minister Christopher Pincher MP had recently written to all local authorities advising them to continue preparing their Local Plan.

Debate included consideration of the following additional points:

- Home ownership was a key aspiration for many, new housing was essential. The Plan was the right balance between delivering the right number of houses whilst protecting the environment and delivering infrastructure.
- Proposed new settlements would be delivered along master-planned ideals.
- Further details to be set out in supplementary planning documents would be subject to consultation and scrutiny prior to adoption by the Council.
- A robust Local Plan was essential to ensure local decision making.
- Local representatives had been key in shaping the Plan and in protecting local priorities.
- A pause was needed to ensure all members had full access to relevant documents.
- The Local Plan should not be considered like an outline planning

application seeking permission in principle, all relevant information was needed up-front.

- Targets for affordable housing were unlikely to be delivered.
- An assessment of the numbers of new housing which could be delivered through repurposing town centres was essential before a new Local Plan could be agreed.
- Guidance from the Secretary of State Robert Jenrick MP noted that housing targets would return to the 2014 baseline because local authorities had misinterpreted them because “[The standard method of calculating housing numbers] was not a target in plan making but a starting point for deciding the level of need in the area whilst taking account of the constraints in the area.”
- The Plan did not make enough allowances for the constraints of the area, including flood plain, green belt and areas of outstanding natural beauty.
- The Secretary of State further advised that the presumption in favour of sustainable development did not override the policies and strategies in the National Planning Policy Framework with particular attention being drawn to the protections for areas of outstanding natural beauty.
- With over 70 per cent of the borough being an area of outstanding natural beauty more needed to be done to resist over development.
- The delivery of infrastructure alongside housing had long been a concern, the Local Plan would help achieve it.
- Sevenoaks District Council was an example where they resisted the housing targets but their Plan had been rejected by the Planning Inspector, they were now under attack from developers taking advantage of the lack of a valid Plan.
- Land in urban areas was being exhausted and it was necessary to spread the development to rural areas.
- Recommendation 3 of the report sought to authorise the Head of Planning to make minor modifications to the Local Plan but lacked clarity on what was intended to be included.
- The Plan risked destroying the village nature of Capel and Paddock Wood risked being merged with Tonbridge. Housing should be spread more widely. Tudeley village was the easy option.
- Whilst the focus was often on housing numbers the Local Plan would also provide new up-to-date policies on development management to respond to the modern world, including policies on affordable housing, active travel and sustainability.
- Development of the Plan had been a comprehensive process. Each site for development submitted under the call for sites had been assessed and details were available in public. There had been no attempt to hide the Council’s processes.
- The principal of a garden village was well established and balanced the need for high quality housing with sustainable countryside. The proposal for Tudeley was viable.
- The Plan would help deliver more affordable housing. This included shared ownership and several other schemes which would allow many to get on to the housing ladder.
- The size of development in Tudeley, the loss of several historic assets and the effect on the area of outstanding natural beauty outweighed the benefits in the Plan.
- Whilst the need for housing was recognised, the Plan proposed the wrong housing in the wrong areas.

- A new settlement would be the best way to provide the necessary infrastructure and to preserve as much as possible of the remaining rural areas.
- The Plan failed to tackle existing problems.
- Compared to an estimated £1 billion worth of development opportunities being provided by the Plan, the quoted £176 million investment in infrastructure seemed small.
- Finer details of outstanding parts of the Plan would need to be satisfactorily resolved before the Plan could be finally adopted. The public were encouraged to participate in the consultation.
- A recent planning application had highlighted concerns by residents about the opportunities for the public to influence the route of the Local Plan. The Regulation 19 consultation would only address legal compliance and soundness of the Plan.

Councillor Pound raised a point of order that the members had used the written chat function to discuss the business of the meeting. The Chief Executive reminded members that all comments must be made verbally and read out the comments as they appeared in the chat.

Debate included consideration of the following additional points:

- All political parties agreed on the need for more housing but whilst the government did not build housing itself it applied pressure to local authorities. The Plan was the best way to achieve sustainable growth.
- Planning applications were currently assessed with consideration to what that the Planning Inspector may alternatively determine. Delay to the Plan process would extend this uncertainty.
- All parts of the Plan, including any outstanding documents and representations made during the consultation would be submitted to the Planning Inspector. Should they find any incompleteness or irregularities the Plan would be returned.

The Mayor took a vote on the motion by roll call.

## **RESOLVED –**

1. That consultation on the Pre-Submission version of the Local Plan 2020-2038 (Regulation 19) and its supporting Sustainability Appraisal in March/April-May 2021 be agreed;
2. That after the Regulation 19 consultation, the Local Plan 2020-2038, Sustainability Appraisal and associated documentation be submitted to the Secretary of State, in July 2021; and
3. That the Head of Planning be authorised to make minor modifications to the Local Plan and Sustainability Appraisal prior to commencement of Regulation 19 consultation to ensure clarity, robustness and for consistency, with any minor modifications to be agreed with the Portfolio Holder for Planning and Transportation.

## **URGENT BUSINESS**

FC49/20 There was no urgent business.

## **COMMON SEAL OF THE COUNCIL**

FC50/20 Councillor Podbury moved, and Councillor Woodward seconded, the recommendation set out in the notice on the agenda.

The Mayor took a vote on the motion by affirmation.

**RESOLVED** – That the Common Seal of the Council be affixed to any contract, minute, notice or other document arising out of the minutes or pursuant to any delegation, authority or power conferred by the Council.

**NOTES:**

The meeting concluded at 9.00 pm.

## TUNBRIDGE WELLS BOROUGH COUNCIL

MINUTES of a meeting of the Tunbridge Wells Borough Council, duly convened and held virtually at 6.30 pm on Wednesday, 24 February 2021

### PRESENT:

**The Mayor Councillor Joy Podbury (Chairman)**

**Councillors Atkins, Atwood, Backhouse, Barrington-King, Bailey, Bland, Bruneau, Chapelard, Mrs Cobbold, Dawlings, Ellis, Everitt, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Hill, Holden, Lewis, Lidstone, Mackonochie, March, McDermott, Morton, Noakes, Ms Palmer, Poile, Pope, Pound, Rands, Reilly, Rutland, Scholes, Scott, Simmons, Mrs Soyke, Thomson, Warne, Williams, Willis and Woodward (Vice-Chairman)**

**IN ATTENDANCE:** William Benson (Chief Executive), Patricia Narebor (Head of Legal Partnership) and Mark O'Callaghan (Scrutiny and Engagement Officer)

### APOLOGIES FOR ABSENCE

FC51/20 Apologies were received from Councillors Neve, Stanyer and Mrs Thomas.

### MINUTES OF THE MEETING DATED 16 DECEMBER 2020

FC52/20 **RESOLVED** – That the minutes of the meeting dated 16 December 2021 be approved as a correct record.

### DECLARATIONS OF INTEREST

FC53/20 No declarations of pecuniary or significant other interest were made.

### ANNOUNCEMENTS

FC54/20 The Mayor made no announcements.

The Leader of the Council announced:

- The vaccination programme was performing well. All staff and volunteers involved were thanks for their efforts.
- Councillor Bland would be nominated for Deputy Mayor in 2021/22.

The Portfolio Holder for Communities and Wellbeing announced:

- Over 200 Community Hero certificates had been presented in recognition of the work of staff and volunteers during the first lockdown (March-June 2020). Recipients had been nominated by residents.
- From 8 March 2021 nominations for Community Hero certificates would reopen to recognise those involved in the second lockdown and the vaccination programme.

The Portfolio Holder for Sustainability announced:

- The Council's recent carbon audit had revealed that the Council's carbon footprint had been 43 per cent lower in 2018 than five years previous. The fall was due to the installation of LED lighting, more efficient building heating systems and Solar EV panels.

- Nationally, record amounts of energy was being generated from carbon-free sources. The carbon density of electricity was the lowest on record leading to 2020 being declared the greenest year on record and contributing further to the local target of carbon-neutrality.

## QUESTIONS FROM MEMBERS OF THE PUBLIC

FC55/20 The Mayor advised that eight questions from members of the public had been received under Council Procedure Rule 8.

### 1. Question from James Tansley

“Given their close involvement with, and heavy responsibility for, the Calverley Square project, is it appropriate for Councillor Dawlings (Portfolio Holder for Finance and Governance since May 2019), Councillor Reilly (Portfolio Holder for Finance and Governance between May 2017 and May 2019) and Councillor Scott (Portfolio Holder for Property and Major Projects between May 2019 and May 2020) to be part of the working group looking into the lessons learnt from this Project?”

### Answer from Councillor McDermott

“The composition of the group to look at developing a framework for major projects going forwards has yet to be confirmed.”

### Supplementary question from James Tansley

“When deciding on the composition of the working group will you give an undertaking that no portfolio holder during the time that the Calverley Square project was in gestation will be part of the working party to avoid any potential conflict of interest.”

### Supplementary answer from Councillor McDermott

“No.”

### 2. Question from James Tansley

“On 6 December 2018, Cabinet agreed “savings” of £2.29 million a year, including cuts to the Council’s support for community groups and Environmental Grants, and increased charges to residents for the new recycling and waste collection contract, to meet the net revenue cost of the Calverley Square project. Given the project is no longer going ahead, what is this £2.29 million of “savings” currently being used for?”

### Answer from Councillor McDermott

“Those saving which had already been implemented were included within the base budget and are being used to fund local services as the Council faces additional costs and reduced income from the pandemic.”

### Supplementary question from James Tansley

“What additional services are being paid for by that £2.29 million saved as a result of the cancellation of the Calverley Square project?”

## **Supplementary answer from Councillor McDermott**

“It’s meaning we don’t have to cut any services, in the state of the economy at the moment.”

## **3. Question from James Tansley**

“In August, the Council launched a public consultation on setting the 2021/22 budget. The top response, according to para 4.9 of the update on the Council’s Five Year Plan, was for Council costs to be lowered by reducing the “number of councillors, staff and pay”. However, the same document goes on to say (para 4.10) that consideration of the public’s ideas should await “greater clarity on the national and local economy...likely to be towards the end of 2021”. By the same logic, should the Council not delay any increases in Council Tax until there is “greater clarity on the national and local economy...likely to be towards the end of 2021?”

## **Answer from Councillor McDermott**

“It is on an assessment of this Council’s spending power that the Government assumes that the Council will use the ability to increase Council Tax to help fund the delivery of essential local services during the pandemic.”

## **Supplementary question from James Tansley**

“I looked at the Council’s website earlier today and particularly the page which details changes to council services as a result of the covid-19 pandemic. Of the 34 services listed, 15 are listed as closed, 7 as being partially open and only 12 are actually open. It doesn’t seem that the council is fulfilling the mandate that Councillor McDermott just spelt out – to continue to provide services to the residents of this borough.”

I can’t provide a list of the specific services at the moment.”

## **Supplementary answer from Councillor McDermott**

“I can’t possibly answer the question unless you can give me the names of the services.”

## **4. Question from James Tansley**

“Given that the August “consultation” indicated that local residents’ preferred option to fill the hole in the Council budget was to cut the costs of the Council’s operation by reducing the “numbers of councillors, staff and pay”, why did the subsequent budget “consultation” which appeared on the Council website in December make no reference to this option?”

## **Answer from Councillor McDermott**

“The budget consultation was consistent with previous years and tested the public’s appetite for savings across a range of local services which included councillors and staff.”

## **Supplementary question from James Tansley**

“I’m afraid you haven’t answered my question. Can you try again please?”

## **Supplementary answer from Councillor McDermott**

“I think you’ll find the answer to some of your question will come in my answer to question 5a.”

## **5. Question from James Tansley**

“Please could the Council state whether it plans to pursue the following proposals to plug the hole in the Council’s budget for 2021/22, and if not, why not:

- a. Follow Tonbridge and Malling Borough Council’s lead and reduce the number of Councillors from 48 to 32. Estimated saving: £100,000 a year.
- b. Remove officials’ retention allowances. Estimated saving: £31,000 a year.
- c. Freeze staff pay in 2021/22 in line with Government guidance. Estimated saving: £309,000 a year.
- d. Recoup the money from the purchase of the Lodge in Calverley Grounds which appears to have gone ahead without appropriate authorisation. Estimated saving: £531,000.
- e. Halve the Council contribution to its defined benefit staff pension scheme to 6.85%. Estimated saving: £1 million a year.
- f. Scrap Local, the Council’s Town Hall Pravda. Estimated saving: £250,000 a year.”

## **Answer from Councillor McDermott**

“The number of councillors is not determined by the Council but by the Local Government Boundary Commission of England. By way of correction, Tonbridge and Malling presently has 54 members. This was an increase from 53 members determined following a Commission review in 2013. Tonbridge and Malling is presently being reviewed again, the timetable is to determine councillor numbers by April 2021. This is the beginning of the Commission’s review process and any recommended changes will be implemented for the May 2023 local elections. As an aside to that, Tunbridge Wells Borough Council is also about to be reviewed by the Commission. Colleagues and I met with the Commission last week. Any changes determined for this Council would be implemented in May 2024.

I refer you to the Pay Policy Statement where you can see that no officers are shown as receiving retention allowances.

Again, I recommend that you read the reports on the agenda as the Pay Policy Statement states that there will be no cost of living increases in 2021/22.

Your statement on the acquisition is inaccurate and the asset continues to produce a reliable rental income to support the delivery of local services.

The local government petition scheme is similar to that for Civic Services in that it is a statutory scheme where employers are required under national conditions to make the prescribe contribution rates.

I have no idea where you have come up with this figure as the publication has an annual net cost of £20k. It is a cost effective means of communicating with all residents, particularly those who do not use digital technology, and also



helps to reduce the cost of public notices with a new-look magazine continuing to be delivered to every household.”

### **Supplementary question from James Tansley**

“In the budget, the Council is seeking an additional £309k to pay for additional staff costs. How is that compatible with Councillor McDermott’s statement that staff pay is not being increased?”

### **Supplementary answer from Councillor McDermott**

“I would suggest that you change your consultants because every point you’ve made under question 5 has been incorrect.”

### **6. Question from James Tansley**

“Given the crisis in the Council’s finances, why is it proposing to waste up to £100,000 on a “Citizen’s Assembly” to discuss the “Climate Emergency”?”

### **Answer from Councillor McDermott**

“Full Council agreed a motion to deliver a Citizens’ Assembly and to lobby central government to provide additional funding. In other words, we will not be paying for it.”

### **Supplementary question from James Tansley**

“I’m a tax payer and central government funds from the tax payer so please can you tell me why you are proposing to spend £100k of tax payer’s money?”

### **Supplementary answer from Councillor McDermott**

“You will have to ask all the borough councillors who voted for it.”

### **7. Question from James Tansley**

“If, as the Council argues, it is facing both a shortfall in funds and a “Climate Emergency”, why does it still provide dedicated free car parking places to Councillors and Council officials?”

### **Answer from Councillor McDermott**

“The Town Hall has largely sat empty for the past 12 months and the Council is reducing the need for car journeys.”

### **Supplementary question from James Tansley**

“I’ll say the same thing again as Councillor McDermott has failed to answer the question and I would be grateful if he could answer why does the Council still provide dedicated free car parking places to Councillors and Council officials?”

## **Supplementary answer from Councillor McDermott**

“Its quite interesting that you should bring this up because if you want to be a borough councillor you only get £100 a week. This works out at about £20 a week, if you had to pay for a season ticket it saves you £20 a week. So you’re talking about £120 a week to be a borough councillor to get insulted by anybody in the town if they wish.”

## **8. Question from James Tansley**

“Will the Council introduce a system of performance pay for officials to incentivise the more efficient delivery of services to the residents of the Borough?”

## **Answer from Councillor McDermott**

“Once again I would encourage you to read the reports on the agenda as the Pay Policy Statement explains that the Council uses a contribution related pay scheme where progression is based on contribution and the achievement of objectives.”

## **Supplementary question from James Tansley**

“Again Councillor McDermott is not answering my question and is preferring to use waffle to obfuscate. I would be grateful if he could now answer the question yes or no?”

## **Supplementary answer from Councillor McDermott**

“Maybe.”

## **QUESTIONS FROM MEMBERS OF THE COUNCIL**

FC56/20 The Mayor advised that no questions from members of the Council had been received under Council Procedure Rule 10.

## **MOTION WITHOUT NOTICE TO SUSPEND COUNCIL PROCEDURE RULE 11.4**

FC57/20 Councillor Hayward moved, and Councillor Pope seconded, a motion without notice under Council Procedure Rule 12.13, to suspend a particular Council Procedure Rule namely 11.4, Referral to Cabinet or Committee in so far as it applies to agenda item 14, Motion on Notice from Councillor Hayward (FC66/20). Comments included:

- The purpose of Council Procedure Rule 11.4 if it were used in respect of agenda item 14 would be to stifle legitimate scrutiny and prevent Full Council’s ability to make informed decisions.
- Transparency in proceedings was paramount.
- Council Procedure Rule 11.4 had been used in the past without notice affording little opportunity to fully consider the implications.

Debate included consideration of the following additional points:

- The purpose was to ensure transparency when discussing agenda item 14.
- It was concerning that one rule was being used to prevent the use of another rule.

- The use of Council Procedure Rule 11.4 would be voted upon without discussion and therefore it could be used to shut down debate.
- It was important to discuss agenda item 14 fully.

Councillor Pound raised a point of order that Councillor McDermott had been allowed to speak after the seconder had been invited to close the debate. The Mayor advised that the request to speak had been received but simply missed before inviting the seconder.

Councillor Pope raised a point of order that Councillor Pound's point of order did not constitute his speech on the motion. The Mayor advised that Councillor Pound's request to speak, separate to his point of order, came after the seconder had been invited to close the debate.

Councillor Chapelard requested a recorded vote.

Members who voted for the motion: Councillors Atkins, Chapelard, Ellis, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Lidstone, Morton, Poile, Pope, Pound, Rands, Reilly, Rutland, Warne, Williams and Willis. (20)

Members who voted against the motion: Councillors Bailey, Bland, Dawlings, Fairweather, Hamilton, Holden, Mackonochie, March, McDermott, Noakes, Ms Palmer, Podbury, Scholes, Scott, Simmons, Mrs Soyke, Thomson and Woodward. (18)

Members who abstained from voting Councillors Atwood, Barrington-King, Bruneau and Dr Hall. (4)

**RESOLVED** – That Council Procedure Rule 11.4 be suspended in so far as it applies at this meeting to agenda item 14.

## **ASSET MANAGEMENT PLAN 2021/22**

FC58/20 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

Debate included consideration of the following additional points:

- Support for the Plan did not imply support for the disposal of any particular asset, particularly the Town Hall or the Assembly Hall.
- Certain properties had not been well maintained, some of which were now liabilities.
- Any decision on selling properties must be subject to the full decision making process.
- Crescent Road Car Park and Meadow Road Car Park should be added to the list of properties under consideration for development.
- The Five Year Plan contained aspirations for the retention and redevelopment of the Town Hall and Assembly Hall sites, subject to public consultation.
- The Plan did not provide for the sale of any asset and there were separate procedures in place for doing so.

The Mayor took a vote by affirmation.

**RESOLVED** – That Asset Management Plan 2021/22, as set out at Appendix A to the report, be adopted.

## BUDGET 2021/22 AND MEDIUM TERM FINANCIAL STRATEGY UPDATE

FC59/20 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

Debate included consideration of the following additional points:

- Considerable effort had gone into preparing the budget
- Year-by-year funding settlements by Government made it difficult to plan for the future
- The pandemic had caused extraordinary difficulties for the Council's finances.
- The Medium Term Financial Strategy set out a five-year forecast deficit of £24.9 million, which was increased from £5.4 million last year, this was more than the Council's reserves. If unaddressed it would leave the Council in an unviable position.
- Income would need to increase, income solely from population growth will be tempered by increased demand on services.
- Additional funding from Government following spending on the pandemic was unlikely.
- The Budget failed to address the cost model of the Council, further more fundamental changes would be needed.
- Benchmarking the cost of services should be undertaken to ensure value for money.
- Outsourcing of services had not delivered the cost savings hoped for and outsourced services were the predominant source of complaints from residents.
- Asset disposal would only provide short-term solutions
- The Council had access to significant borrowing but this should only be considered if sustainable.
- The Council needed a better plan to address the budget deficit.
- The public response to the budget consultation had been the highest yet but still proportionately small numbers.
- Housing and homelessness was a high priority for residents and more needed to be done to provide affordable housing including council housing.
- Inflation was forecast to be 4 per cent yet employment cost were only expected to increase by 2.4 per cent. This was not viable to attract and retain the best staff.
- The demand for services would increase and the economy falters.
- The budget lacked long-term plans.
- There was no provision for climate change.
- Procurement of future services should focus on quality over cost.
- The Council's response to the pandemic, particularly the distribution of business support, had been commendable.
- The Council was aware of the budget deficit and the issues raised by the speakers which could be addressed now the finances had been stabilised.

A recorded vote was taken in accordance with Council Procedure Rule 15.7.

Members who voted for the motion: Councillors Atwood, Backhouse, Bailey, Barrington-King, Bland, Bruneau, Chapelard, Mrs Cobbold, Dawlings, Ellis, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Holden, Lidstone, Mackonochie, March, McDermott, Morton, Noakes, Ms Palmer, Podbury, Poile, Pope, Rands, Reilly, Rutland, Scholes, Scott, Simmons, Mrs Soyke, Thomson, Warne, Williams and Woodward. (38)

Members who voted against the motion: Councillors Everitt, Hill, Lewis and Pound. (4)

Members who abstained from voting: Councillors Atkins and Willis. (2)

## **RESOLVED –**

1. That changes to the base budget along with the assumptions and approach set out throughout the report be noted;
2. That the responses to the budget consultation set out at Appendix C to the report be noted;
3. That the rolling forward of the capital programme, including additional gross funding of £2,834,600 for new schemes listed within the report, be approved;
4. That the 2021/22 Pay Policy Statement set out at Appendix E to the report be approved; and
5. That an increase in the 'Basic Amount' of Council Tax of £4.99 per annum for a Band D property be approved.

## **COUNCIL TAX 2021/22**

FC60/20 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

A recorded vote was taken in accordance with Council Procedure Rule 15.7.

Members who voted for the motion: Councillors Atwood, Backhouse, Bailey, Barrington-King, Bland, Chapelard, Mrs Cobbold, Dawlings, Ellis, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Holden, Lidstone, Mackonochie, March, McDermott, Morton, Noakes, Ms Palmer, Podbury, Poile, Pope, Rands, Reilly, Rutland, Scholes, Scott, Simmons, Mrs Soyke, Thomson, Warne, Williams and Woodward. (37)

Members who voted against the motion: Councillors Everitt, Hill, Lewis and Pound. (4)

Members who abstained from voting: Councillors Atkins, Bruneau and Willis. (3)

**RESOLVED –** That the Council Tax for 2021/22 as set out at Appendix A to the report be approved.

## **TREASURY MANAGEMENT POLICY AND STRATEGY 2021/22**

FC61/20 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

Lee Colyer, Director of Finance, Policy and Development, at the invitation of the Mayor to provide professional advice, commented that the report set out this Councils approach to managing its cash and investments. This did not extent to influencing other organisations in their investment decisions.

Councillor Warne requested a recorded vote.

Members who voted for the motion: Councillors Atkins, Atwood, Backhouse, Bailey, Barrington-King, Bland, Bruneau, Chapelard, Mrs Cobbold, Dawlings, Ellis, Everitt, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Hill, Holden, Lewis, Lidstone, Mackonochie, March, McDermott, Morton, Noakes, Ms Palmer, Podbury, Poile, Pope, Pound, Rands, Reilly, Rutland, Scholes, Scott, Simmons, Mrs Soyke, Thomson, Williams and Woodward. (42)

Members who voted against the motion: None.

Members who abstained from voting: Councillors Warne and Willis. (2)

**RESOLVED** – That the Treasury Management Policy and Strategy 2021/22, as set out in Appendix A to the report, be adopted.

## **CAPITAL STRATEGY 2021/22**

FC62/20 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

Councillor Pound requested a recorded vote.

Members who voted for the motion: Councillors Atkins, Atwood, Backhouse, Bailey, Barrington-King, Bland, Bruneau, Chapelard, Dawlings, Ellis, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Holden, Lidstone, Mackonochie, March, McDermott, Morton, Noakes, Ms Palmer, Podbury, Poile, Pope, Rands, Reilly, Rutland, Scholes, Scott, Simmons, Mrs Soyke, Thomson, Warne, Williams and Woodward. (38)

Members who voted against the motion: None.

Members who abstained from voting: Councillors Everitt, Hill, Lewis, Pound and Willis. (5)

**RESOLVED** – That the Capital Strategy 2021/22, as set out in Appendix A to the report, be adopted.

## **AMENDMENTS TO THE CONSTITUTION: CORPORATE HEALTH AND SAFETY RESPONSIBILITIES**

FC63/20 Councillor McDermott moved, and Councillor Bailey seconded, the recommendations set out in the report.

The Mayor took a vote by affirmation.

### **RESOLVED –**

1. That amendments to Part 3 the Constitution shown as track changes in Appendix A to the report be approved and adopted; and
2. That the additional Table shown in Appendix B to the report be approved and adopted to be added to Part 3 of the Constitution.

## **AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2019/20**

FC64/20 Councillor Barrington-King moved, and Councillor Reilly seconded, the recommendations set out in the report.

Debate includes consideration of the following additional points:

- The report related to financial year 2019/20.
- Whilst digital technology had benefits, remote working was not conducive to easy auditing.
- The Council had achieved eleven consecutive clean audits and was ahead of the pack in getting its accounts signed off.
- The Committee had done a good job in scrutinising the Council.
- The Committee ensured effective assurance arrangements were in place.
- The Committee had facilitated a review of the Local Government Ethical Standards Report which resulted in the commissioning of the Members' Code of Conduct training.
- A proposal for an independent audit of the Calverley Square project had been submitted to the Committee and a review was commissioned from the Council's external auditors Grant Thornton. Whilst the resultant report identified a number of reasons for the failure of the project there were other concerns relevant to the review process which were not highlighted within the report. A full understanding of all the issues was essential.
- The Committee recommended the setting up of a cross-party working group under the stewardship of the Portfolio Holder for Finance and Governance to widen the review of the Grant Thornton report. The working group would look at the timeline of decision making, key elements of the project delivery process and any supporting documentation. It would draw on the Grant Thornton report and other sources.
- It was hoped that the output from the working party would be a framework for what should be in place for any future major projects.
- Key project management documents in the Calverley Square project, intended for the executive and largely protected by commercial sensitivities, were not accessible to the Council's scrutiny functions and this needed to be avoided in future.
- The Council had an important role in the recovery from the pandemic but this should not be a cover of excessive financial risk. Constant review would ensure high quality decision making and financial controls.
- The contribution of the independent members of the Committee was commended.

The Mayor took a vote by affirmation.

**RESOLVED** – That the Audit and Governance Committee Annual Report for 2019/20, as set out at Appendix A to the report, be noted.

## **COUNCIL TAX HARDSHIP RELIEF SCHEME**

FC65/20 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

Debate included consideration of the following additional points:

- The additional funding was welcomed.
- Those on low incomes had been disproportionately affected by the pandemic.

- The report was acknowledgement that the adopted Council Tax Scheme was insufficient. Support should be considered an investment as failure to support the most vulnerable would lead to greater demand on the Council's services.

The Mayor took a vote by affirmation.

## **RESOLVED –**

1. That the additional funding to be provided by Kent County Council for the purpose of providing Council Tax relief be noted; and
2. That authority be delegated to the Head of Revenues and Benefits, in consultation with the Director of Finance, Policy and Development, to finalise and implement the necessary changes for the scheme as set out at paragraph 1.9 of the report.

## **MOTION ON NOTICE FROM COUNCILLOR HAYWARD**

FC66/20 Councillor Hayward moved and Councillor Pope seconded, the motion set out in the notice on the agenda.

Debate included consideration of the following points:

- It was important to not only be open but be seen to be open to the voting public therefore it was necessary to go above and beyond minimum standards.
- There was a perception that too many documents were exempt from disclosure.
- The minutes of the Audit and Governance Committee meeting in November 2020 had been delayed and when this was brought to the attention of the Overview and Scrutiny Committee it was determined to be an internal matter for the Audit and Governance Committee. When they were eventually produced they were not entirely consistent with some recollections of the meeting. These types of issue reflect poorly and raises suspicions which needed to be resolved.

Councillor Bailey raised a point of order to question the relevance of previous comments. The Mayor ruled that the debate had been in order.

Councillor Bailey moved, and Councillor Dawlings seconded, an amendment to delete all words and replace with: "We thank members of the Overview and Scrutiny Committee for the additional work they have undertaken during the pandemic and note that TWBC has received positive external feedback on the way it delivers its Overview and Scrutiny functions. The Council asks the Overview and Scrutiny Committee to check that we are following the current best practice based on the latest guidance from the Centre of Public Scrutiny and the Ministry of Housing, Communities and Local Government. We request that the Committee reports the results of this review to Full Council later in 2021." Comments included:

- The Overview and Scrutiny Committee had undertaken a considerable amount of additional work during the pandemic to pick up the role usually performed by the three Cabinet Advisory Boards.
- Prior to the pandemic there had not been any concerns about the council's scrutiny functions and a Local Government Corporate Peer Review in 2016 found that the Overview and Scrutiny Committee was providing a good check and balance to the executive. A follow up report in 2019 confirmed good governance arrangements.



- No evidence of a failure in the Council's scrutiny functions had been provided.
- It was unclear whether the documents quoted in the motion were the definitive guide to best practice or the most up-to-date guidance.
- The Overview and Scrutiny Committee would be best placed to conduct a review.

Debate on the amendment included consideration of the following additional points.

- The amendment did not address the issues raised in the original motion.
- It was not appropriate for the Overview and Scrutiny Committee to review its own functions.

Councillor Chapelard raised a point of order that the amendment negated the motion (contrary to Council Procedure Rule 13.6.1(e)). The Mayor, on the advice of the Legal Officer, ruled that the amendment was in order as it only changed the effect of the motion and did not produce the opposite effect of the motion.

Debate on the amendment included consideration of the following additional points:

- There was no evidence of the issues implied by the original motion.
- The proposed use of a cross-party working group, rather than a politically balanced committee, simply sought to extend the influence of opposition parties.
- The original motion was about scrutiny in the broader sense rather than the functions of the Overview and Scrutiny Committee.
- Evidence to support the original motion was intended to have been included in the notice but was omitted.
- To disregard any concerns would be disingenuous and the best way to disprove them would be a open review.
- The Overview and Scrutiny Committee was cross-party, had requisition powers and had a duty to be open in its proceedings.
- Support officers for the Overview and Scrutiny Committee were aware of the latest guidance and provided assurance that the scrutiny functions were in line with current guidance.
- Reports highlighting issues relating to the Calverley Square project had not been made available to the Overview and Scrutiny Committee and therefore there clearly was a gap in the scrutiny function. The format set out in the original motion was the better way of addressing the problem.
- The amendment only highlighted what the Overview and Scrutiny Committee should already be doing.
- No significant changes had been made in the decision making processes since the cancelling of the Calverley Square project. The amendment would not bring about the necessary change to restore public trust in the Council.
- The Overview and Scrutiny Committee was not in the business of propping up the executive and had a healthy culture of challenge and review.
- The budget consultation had highlighted public desire to reduce spending on committee therefore the existing Overview and Scrutiny Committee should be used.

Councillor Pound requested a recorded vote.

Members who voted for the amendment: Councillors Bailey, Backhouse, Bland, Mrs Cobbold, Dawlings, Fairweather, Hamilton, Holden, Mackonochie, March, McDermott, Noakes, Ms Palmer, Podbury, Scholes, Scott, Mrs Soyke, Thomson and Woodward. (19)

Members who voted against the amendment: Councillors Atkins, Chapelard, Ellis, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Lidstone, Morton, Poile, Pope, Pound, Rands, Reilly, Rutland, Warne, Williams and Willis. (20)

Members who abstained from voting: Councillors Atwood, Barrington-King, Bruneau, Dr Hall and Simmons. (5)

## **AMENDMENT NOT CARRIED**

Debate returned to the original motion.

Debate included consideration of the following additional points:

- A readily available model of effective scrutiny was available in the form of parliamentary select committees.
- The Overview and Scrutiny Committee had not provided effective scrutiny with majority group members remaining silent on many key issues.
- The make up of the Council was significantly different from 2 years ago, the Council did not have a robust culture of challenge that needed to be addressed.
- The motion lacked detail over the structure of the working-party, it should be politically balanced.
- The proposed working-group lacked terms of reference and operating procedures.
- There was no evidence of a failure in the systems, this was more a case of political grandstanding.
- The time and costs in setting up another group on such was not in the public interest.
- The Overview and Scrutiny Committee always sought improvement but this did not amount to a declaration of failure. The Committee remained the best place to address these issues.
- The motion was about doing the right thing for residents and time should be taken to undertake a review.
- Overview and Scrutiny Committee had been misled and may have unwittingly contributed to the delay in uncovering the issues. Regular reports to the Committee omitted critical information but were taken at face value. The Committee had failed to exercise its powers to discover the truth.
- A lack of transparency, obfuscation and a lack of effective scrutiny had cost the Council dearly.
- The Overview and Scrutiny committee was dominated by majority party members including the Chairman and Vice-Chairman of the Committee, contrary to best practice guidance.

Councillor Funnell requested a recorded vote.

Members who voted for the motion: Councillors Atkins, Bruneau, Chapelard, Ellis, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Lidstone, Morton, Poile, Pope, Pound, Rands, Reilly, Rutland, Thomson, Warne, Williams and Willis. (22)

Members who against the motion: Councillors Bailey, Backhouse, Bland, Mrs Cobbold, Dawlings, Fairweather, Hamilton, Holden, Mackonochie, March, McDermott, Podbury, Scholes, Scott, Mrs Soyke, and Woodward. (16)

Members who abstained from voting: Councillors Atwood, Barrington-King, Dr Hall, Noakes, Ms Palmer and Simmons. (6)

**RESOLVED** – There are growing concerns about the impact a decreasing level of transparency and scrutiny is having on our borough's democratic processes.

If we are to expect respect and trust from the public with our handling of their services and money, then good standards of transparency and scrutiny need to be evident within the council.

We welcome the report from the Ministry of Housing, Communities and Local Government published on 7 May 2019 entitled "Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities" and the "The Good Scrutiny Guide" published by the Centre for Public Scrutiny on 19 June 2019.

This Council agrees to establish a cross-party Working Group reporting to Full Council to examine how the Statutory Guidance should be implemented and best practice followed at TWBC.

## **COMMON SEAL OF THE COUNCIL**

FC67/20 Councillor Podbury moved, and Councillor Woodward seconded, the recommendation set out in the notice on the agenda.

The Mayor took a vote on the motion by affirmation.

**RESOLVED** – That the Common Seal of the Council be affixed to any contract, minute, notice or other document arising out of the minutes or pursuant to any delegation, authority or power conferred by the Council.

## **DATE OF NEXT MEETING**

FC68/20 The next scheduled meeting was Wednesday 21 April 2021.

## **NOTES:**

The meeting concluded at 9.55 pm.

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## Questions from members of the public

For Full Council on Wednesday 21 April 2021

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### Question 1

From Michael Tapp

“I understand the unfortunate need for new housing in the South East but we must balance this with protecting the environment and combating climate change. Can we expect to see every new house built with solar panels on the roofs, electric charging points in the driveways and the highest standards of insulation? This will cost developers less than retrospective fitting and will help balance our impact on the environment.”

### Question 2

From Marieke de Jonge

“Whereas a Citizens’ Assembly prescribes engagement of trained and impartial facilitators (ref. 1.7) and includes a period of deliberation amongst participants allowing them to put their ideas forward and come to a conclusion, a Panel or a Jury do not offer this level of engagement. Instead, a Citizen’s Panel merely puts matters in front of some participants for consultation (ref. 1.15) rather than seeking ideas generated by the public.

Given that the original motion sets out an ambition to reduce not just the council’s own, but the wider borough’s carbon emissions to achieve net zero by 2030, does the Full Council, who voted for a Citizens’ Assembly, not feel it is essential that a sizeable proportion of local residents put forward possible solutions so as to ensure wide consensus and public support, and therefore elect to go ahead with the full Citizens’ Assembly?”

## Question 3

From Adrian Thorne

“21 months ago the full council voted to hold a citizens' assembly. Nearly two years later the town's citizen assembly has not even started. To give the council comparisons: Worthing council declared a climate emergency in the same month as Tunbridge Wells - their report was fully published 4 months ago now, having moved online during COVID. Many other councils have finished in a shorter time frame, all despite COVID. Tunbridge Wells hasn't even started, in fact the council executive hasn't even decided what and when to start. Given that this is an important opportunity for the public to have their say on the most pressing issue of our age, can the council leader explain why public input is being avoided and disregarded?”

## Question 4

From James Tansley

“Please can the Council confirm or deny reports that the supplier to whom it paid £43,404 between May 2019 and February 2021 for unspecified work in relation to the Assembly Hall, and whose details the Council has not only redacted from its website, but also declined to reveal in response to a Freedom of Information request, has a family connection to a member of Council staff.”

## Question 5

From Adrian Thorne

“Does the council accept and understand that the three options presented in the CEAP report will provide differing results? It is not the case that they will all produce roughly the same result, but perhaps some will be quicker or cheaper. They are different processes, with different levels of public input and support. By selecting the Panel or Jury options, the council will be significantly reducing the public chance to be involved in this issue?”

## Question 6

From James Tansley

“Please can the Council provide details of all breaches by Council officials and Councillors of the fifth of the Nolan principles of Public Life, which states that: “Holders of public office ... should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing” in the last year.”

## Question 7

From Adrian Thorne

“Can the council provide assurance, that financial resources for the citizens' assembly project will not suffer as a result of the delays of the executive. I can understand the temptation to claim COVID lockdown has made a full citizens' assembly financially difficult, however, the council had 8 months before the pandemic when it could have acted - as many councils did.”

## Question 8

From James Tansley

“Please can the Council provide details of all breaches by Council officials and Councillors of the fourth of the Nolan principles of Public Life, which states that “Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this” in the last year. Please can the Council provide details of all breaches by Council officials and Councillors of the second of the Nolan principles of Public Life, which states that: “Holders of public office should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends [and]... must declare and resolve any interests and relationships” in the last year.”

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## Questions from members of the Council

For Full Council on 21 April 2021

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### Question 1

From Councillor Scott

“I would like to congratulate all those Council Officers and employees who have worked hard to provide support to residents and local businesses during the Pandemic and the long periods of Lockdown. Looking towards the ending of the lockdowns, I ask the Portfolio holder to advise what work is being done by the Council, Tunbridge Wells Together and other supported organisations, to reinvigorate the town during this summer and the remainder of 2021?”

### Question 2

From Councillor Hayward

“In November 2020 the Audit and Governance committee instigated a Major Project Review working group in order that we may learn for the future from the successes and failures of the Calverley Square Project. The committee was very clear in its composition and was to include a representative from all parties. Councillors Pound for Labour, Rands for Lib Dems and myself for The Alliance were nominated by the 4th December deadline. Now that it has been officially acknowledged that the line in the minutes relating to political balance was added after the minutes were approved for submission, are you going to continue with the exclusion of Councillors Pound and myself from the Audit & Governance Major Project Review?”

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