

Summons and Agenda



Town Hall
Royal Tunbridge Wells

Tuesday, 6 December 2022

To the Members of the Tunbridge Wells Borough Council

I request your attendance at an **Extraordinary** meeting of the Tunbridge Wells Borough Council to be held at the Council Chamber, Royal Tunbridge Wells, Kent TN1 1RS, on Wednesday, 14 December 2022, at 6.30 pm, when the following business is proposed to be transacted.

- 1 **Apologies for absence** (Page 4)
To receive any apologies for absence.
- 2 **Declarations of Interest** (Page 5)
To receive any declarations of interest by members in items on the agenda. For any advice on declarations of interest; please contact the Monitoring Officer before the meeting.
- 3 **Civic Award (December 2022)** (Pages 6 - 10)
To consider and if thought fit, to approve the recommendations set out in the associated report.
- 4 **Common Seal of the Council** (Page 11)
To authorise the Common Seal of the Council to 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.

Exempt Items

EXEMPT ITEM(S)

It is proposed that, pursuant to section 100A(4) of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following item(s) of business on the grounds that they may involve the disclosure of exempt information as defined in Schedule 12A of the Act, by virtue of the particular paragraph(s) shown on the agenda and on the attached report(s).

- 5 **Exempt appendices to Civic Award** (Pages 13 - 22)
The following documents are exempt by virtue of:
Paragraph 1 of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to any individual.

William Benson
Chief Executive

Democratic Services Team

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Email: Committee@TunbridgeWells.gov.uk

Town Hall
ROYAL TUNBRIDGE WELLS
Kent TN1 1RS



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Attending meetings

Meetings are held in the town hall and are webcast live online.

Members of the public may attend to watch/listen in person or online live via our website. A recording of the meeting will also be available shortly after the end of the meeting.

All meetings and agenda are open to the public except where confidential information is being discussed. The agenda of the meeting will identify whether any meeting or part of the meeting is not open to the public and explain why.

Seating for the public will be allocated on a first-come-first-serve basis and cannot be guaranteed.

Speaking at Meetings

Members of the public are encouraged to participate and those wishing to comment on an agenda item will need to register with Democratic Services in advance.

Registration opens when the agenda is published and closes at 4pm on the last working day before the meeting.

There may be up to 4 speakers per agenda item and speakers have up to 3 minutes each.

Places are allocated on a first-come-first-served basis except that if there are several speakers from the same group they may be asked to nominate someone to represent their collective view.

Once registered, speakers will need to attend the meeting in person. Comments should be in the form of a statement giving your opinion on the matter. Members of the committee may not answer questions or get into a debate with you.

Registrations may be sent by email to committee@tunbridgewells.gov.uk at any time during the registration period.

Full details are available on our website www.tunbridgewells.gov.uk/meetings or from Democratic Services at committee@tunbridgewells.gov.uk or call 01892 554413.

If you require this information in another format please contact us, call 01892 526121 or email committee@tunbridgewells.gov.uk

Apologies for Absence

For Full Council on 14 December 2022

Procedural Item

To receive any apologies for absence.

Declarations of Interest

For Full Council on 14 December 2022

Procedural Item

To receive any declarations of interest by members in items on the agenda in accordance with the Members' Code of Conduct. For any advice on declarations of interest, please contact the Monitoring Office before the meeting.

Civic Award (December 2022)

For Full Council on Wednesday 14 December 2022

Summary

Lead Member: Councillor David Hayward – Cabinet Member for Governance and Transparency

Lead Director: Lee Colyer – Director of Finance, Policy and Development

Head of Service: Jane Clarke – Head of Policy and Governance

Report Author: Mark O’Callaghan – Scrutiny and Engagement Officer

Classification: Partially Exempt from Disclosure – Exempt Appendix A and B – Exempt by virtue of paragraph 1 of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to any individual.

Wards Affected: All

Approval Timetable	Date
Informal nominations working group	08 September 2022
Portfolio Holder	27 October 2022
Communities and Economic Development Cabinet Advisory Board	09 November 2022
Cabinet	17 November 2022
Full Council	14 December 2022

Recommendations

Recommendation as supported by the informal nominations working group:

- That the individual set out at Exempt Appendix A to the report be granted Honorary Freedom of the Borough.

1. Introduction and Background

- 1.1 This report advises members of the Council of a nomination for Honorary Freedom of the Borough and invites its consideration.
- 1.2 Honorary Freedom of the Borough is the highest honour the Borough can bestow and by that nature must be reserved for the most deserving cases.
- 1.3 The nomination papers are set out at Exempt Appendix A and some additional background information is set out at Exempt Appendix B. Both are confidential.

Legal Power

- 1.4 The power to award Honorary Freedom of the Borough is contained within section 249 of the Local Government Act 1972 which empowers a relevant authority to *“admit to be honorary freemen of the place or area for which it is the authority – persons of distinction, and persons who have, in the opinion of the authority, rendered eminent services to that place or area.”*
- 1.5 There is no legal standard by which eligibility is measured.
- 1.6 The power is exercisable by a resolution of the relevant authority passed at a special meeting convened for that purpose by not less than two-thirds of the members present.
- 1.7 The authority may spend such reasonable sums as it thinks fit for the purpose of presenting an address to a person whom the authority has conferred the title of Honorary Freeman.
- 1.8 There are no legal rights or privileges conferred with the Honorary Freedom of the Borough, the position is one of honour and dignity.

Confidentiality

- 1.9 The nomination papers are set out at Exempt Appendix A to the report. The name of the nominee and the reasons for the nomination are confidential unless and until the award is made.
- 1.10 Members may discuss in general terms whether the nominee meets the criteria during a public session but must not mention the name of the nominee or any information which could identify them, except in a duly convened private session.
- 1.11 Only if Full Council approve an award and the proposed recipient has accepted the award will the name and citation be made public.

Process

- 1.12 In accordance with the adopted procedure, the nomination was considered and supported by an informal, cross-party working group consisting of the Mayor and the leaders of the political groups.
- 1.13 The Communities and Economic Development Cabinet Advisory Board is consulted on route to Cabinet which is invited to make a recommendation to Full Council.
- 1.14 If supported by Cabinet, an Extraordinary Meeting of Full Council will be convened at which the nomination will be put to the vote. The motion requires a two-thirds majority to pass.
- 1.15 If agreed by Full Council a separate presentation event of suitable standing will be arranged in the near future.

2. Options Considered

- 2.1 Members are not bound by the recommendation of the working group.
- 2.2 Members are requested to use their best judgement in determining whether the nomination set out at Exempt Appendix A meets the criteria for Honorary Freedom of the Borough.

3. Consultation

- 3.1 The nomination form, set out at Exempt Appendix A, includes two independent testimonials.
- 3.2 The nomination was considered and supported by the informal cross-party working group at their meeting on 08 September 2022.

Recommendation from Cabinet Advisory Board

- 3.3 The Communities and Economic Development Cabinet Advisory Board was consulted on this decision at their meeting on 9 November 2022 and the Board supported the nomination.

Recommendation from Cabinet

- 3.4 The Cabinet was consulted on this decision at their meeting on 17 November 2022 and the Cabinet supported the nomination.

4. Implementation

- 4.1 The final decision to award the Honorary Freedom of the Borough will be made by Full Council at the Extraordinary Meeting immediately prior to the scheduled meeting on 14 December 2022, but it will not be presented at this stage.
- 4.2 If the Council agrees the award, the nominee will then be formally advised and invited to accept the award.
- 4.3 Once the nominee accepts the award, the Council will arrange a suitable public event at which to present the award in person (they may opt to receive the award privately) and the award will be publicly announced.
- 4.4 The associated cost is approximately £2000. There is no separate budget for civic awards therefore the cost is met from general reserves.

5. Appendices and Background Documents

Appendices:

- None.

Exempt appendices (if any):

- Exempt Appendix A: Nomination Papers
- Exempt Appendix B: Background Information

Background Papers:

- None

6. Cross Cutting Issues

A. Legal (including the Human Rights Act)

The power to award Honorary Freedom of the Borough is contained within section 249 of the Local Government Act 1972 which empowers a relevant authority to “admit to be honorary freemen of the place or area for which it is the authority – persons of distinction, and persons who have, in the opinion of the authority, rendered eminent services to that place or area.

Robin Harris, Team Leader (Contentious and Corporate Governance), 31 October 2022

B. Finance and Other Resources

The associated cost is approximately £2000. There is no separate budget for civic awards therefore the cost is met from general reserves.

Lee Colyer, Director of Finance, Policy and Development, 21 October 2022.

C. Other Implications (Staffing, Risk Management, Environment and Sustainability, Community Safety, Equalities, Data Protection, Health and Safety, Health and Wellbeing)

Data Protection: The personal information of the nominee is confidential and will remain exempt and/or redacted until such time as consent is given by the nominee to make the personal information manifestly public.

There are no other significant implications as a result of this decision.

Mark O’Callaghan, Scrutiny and Engagement Officer, 20 October 2022.

Common Seal of the Council

For Full Council on 14 December 2022

Procedural Item

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Exempt Items

For Full Council on Wednesday 14 December 2022

Procedural Item

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972 (as amended).

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