

## **TUNBRIDGE WELLS BOROUGH COUNCIL**

MINUTES of a meeting of the Tunbridge Wells Borough Council, duly convened and held at the Council Chamber, Royal Tunbridge Wells, Kent TN1 1RS, at 6.30 pm on Wednesday, 26 February 2020

### **PRESENT:**

**The Mayor Councillor James Scholes (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, Mackonochie, March, McDermott, Morton, Neve, Ms Palmer, Podbury (Vice-Chairman), Poile, Pope, Pound, Rands, Reilly, Rutland, Scott, Simmons, Mrs Soyke, Stanyer, Thomson, Warne, Williams and Woodward**

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

### **APOLOGIES FOR ABSENCE**

FC79/19 Apologies were received from Councillor Horwood. Councillors Lidstone, Noakes, Mrs Thomas and Willis were not present.

### **MINUTES OF THE MEETING DATED 18 DECEMBER 2019**

FC80/19 Councillor Rutland was missing from the list of attendees at the 18 December 2019 meeting.

#### **RESOLVED –**

1. That the list of those in attendance at the meeting on 18 December 2019 be amended to include Councillor Rutland; and
2. That, subject to the above amendment, the minutes of the meeting dated 18 December 2019 be approved as a correct record.

### **DECLARATIONS OF INTEREST**

FC81/19 No declarations of pecuniary or significant other interest were made.

### **ANNOUNCEMENTS**

FC82/19 Details of the Mayor's activities had been circulated. The Mayor had no further announcements.

The Leader of the Council announced:

- Councillor Woodward would be nominated for Deputy Mayor in 2020/21.
- The Department for Transport had announced that the Council had been awarded £785,000 towards a scheme that would improve access to the High Brooms Station Southbound platform.

Councillor March announced:

- The Tunbridge Wells Forum had been nominated for the award of Grassroots Venue: Spirit Of The Scene at this years Music Week awards.

- The GO card would be marketed in mid March with the aim of increasing engagement for families and individuals on low incomes. The card could be used at The Trinity Theatre, Amelia, Putlands Sports and Leisure Centre, The Assembly Hall Theatre, The Forum, The Puppetry Festival, Weald and St John's Sports and Leisure Centre.

## **QUESTIONS FROM MEMBERS OF THE PUBLIC**

FC83/19 The Mayor advised that eleven questions from Members of the Public had been received under Council Procedure Rule 8, full details of which were set out in the supplement to the agenda.

### **1. Question from Dr Robert Chris**

As Members were in receipt of the question submitted, Dr Chris summarised the main points as follows:

- Had the Council learnt anything from the Calverley Square experience?
- After seven months the cross-party working group had yet to recognise its role to assemble expert advice and public opinion to inform the recommendations as to the way forward.
- The only recommendations it should be making were about process and nothing else.

### **Answer from Councillor Scott (summarised)**

- This was an extensive list of questions, that if answered in full would take most if not all the allotted time of 30 minutes. Whilst I believe strongly that the public have the right to ask questions, I feel the process here has been stretched beyond breaking point and we need to come up with a better way to deal with multiple questions such as this.
- I will aim to do what I can in the time permitted, but it should be noted that I do not agree with much that has been written.
- The Committee was originally set up, under my authority as a non-official group which I asked to provide direct assistance to review the situation. It is akin to a non-executive director of a company consulting with a group to help explore the questions and assumptions and alternatives. Its primary focus is to determine if any consensus was possible across parties in the Council.
- It was important for the group to have a wide variety of views. I can confirm that all parties provided their best endeavours to the process, for which I congratulate them.
- The cross-party group was formed in June 2019, and I asked Adrian Berendt to form a non-political group to summarise the views of the public.
- A Council conference was also set up to bring forward the Five-Year Plan by one year.
- Each of these three initiatives have brought positive engagement to the process and have identified that consensus over a wide range of issues is possible. These are the cornerstones for investigating possible alternatives that could then be put forward to councillors and the general public.

- My own view and that of the non-political group was that the project had become too large and complex – making it impossible to obtain agreement. The project was designed as a single large project which could not at the final stage be sub divided into smaller projects.
- Disaggregation of the project was now needed that would allow each part to be reviewed.

### **Supplementary Question from Dr Robert Chris**

“Can you confirm that the cross-party groups remit is restricted to making recommendations about how the post Calverley Square decisions should be made and not what those decisions might be.”

### **Answer from Councillor Scott**

“Yes.”

### **2. Question from Mr James Tansley**

“What was the authorised budget for work on RIBA stages 1-4 for the Calverley Square project and what is the Council’s current estimate of the final costs of this work?”

### **Answer from Councillor Dawlings**

“RIBA Stages 1-3 were budgeted as part of the revenue budget and expenditure incurred was reported in the usual way. RIBA Stage 4 fees were part of the capital budget of £90m approved by Full Council in December 2017. All expenditure was reported in the close down report submitted to the Cabinet in February.”

### **Supplementary Question from Mr James Tansley**

“I would be interested to know why the expenditure for RIBA Stage 4 was included in the capital budget when before a final decision is taken on the project such expenditure is considered preparatory and should have been considered within the operational budget of the Council.”

### **Answer from Councillor Dawlings**

“I think it’s perfectly appropriate to take fees for capital projects as part of the capital budget and that is what the Council approved back in December 2017.”

### **3. Question from Dr Robert Chris**

As Members were in receipt of the question submitted, Dr Chris summarised the main points as follows:

- If Calverley Square is really dead as it appears to be, why won’t the Council give public effect to this decision by giving it a respectful burial, and when people do make searches they don’t find either the CPO or the planning consent being active?
- Why has the public register not been updated to effectively remove CPO and the planning consent from the register?

### **Answer from Councillor Scott**

“I believe the Council’s legal position is set out pretty clearly in the Cabinet papers to which we are referred here and there is no need for any further comment.”

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

“What is the current value of The Lodge in Calverley Grounds and Numbers 10, 13 and 18 in Grove Hill House.”

### **Answer from Councillor Dawlings**

“These properties are in the process of being valued for the purposes of the annual accounts.”

### **Supplementary Question from Mr James Tansley**

“The four properties were purchased solely to advance the Calverley Square project. Given that this is not going ahead, would it not make more sense to sell them to pay for the costs of £1.65m this year for the essential works to the Civic site.”

### **Answer from Councillor Dawlings**

“The properties were actually bought because they fulfil the Council’s property investment criteria and I don’t think there is any question of selling them because they are generating the return that was forecast.”

### **5. Question from Dr Robert Chris**

As Members were in receipt of the question submitted, Dr Chris summarised the main points as follows:

- Although the questions are numbered a to j, they can all be answered with a simple yes or a no.

### **Answer by Councillor Scott (summarised)**

- a) The auditors are experts in undertaking this type of review and will follow the process that is appropriate to that.
- b) Yes.
- c) The Auditors are independent of the Borough Council.
- d) The appointment is a delegated authority and will actually be done under that process, but it will also go through Audit and Governance Committee.
- e) This is standard practice for all audits within the Council as I understand it and this should not be any different. In fact the position of the Council is that we have had many years of clean audits and right through the Calverley Square process, when we had audits reviewing different aspects, or even the judicial review, they all found that they had complete access to information and found the Council in a very strong position on all those aspects.
- f) Again, this is quite standard practice within the Council which, in fact, has a very open policy of all the information. There are exceedingly few unpublished papers but the auditors still have access to all these things.

- g) There will be a standard process in the Council, the papers will not be changed by anybody other than the auditors themselves. It will then come through to the appropriate committees in the Council in the standard way and they will be reviewed there.
- h) All reports from the auditors will go through the standard procedure, and through the appropriate committees and will conform to the norm.
- i) I am not anticipating other reports, but they would go to the various committees. Normally those committees are scheduled on particular dates and papers would be made public for those committees as appropriate.
- j) The processes that we go through with audit, having independent auditors, having the various committees, are scrupulous about the process to ensure that they are independent. The process will achieve very high standards.

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

“How much does each member of the Council cost per year in total, i.e. allowances, support and other services including the cost of elections?”

#### **Answer from Councillor Dawlings**

“An annual report is published on the Council’s website on all allowances and expenses of Borough Councillors. The Borough Council does not cover any expenses for elections.”

#### **7. Question from Dr Robert Chris**

As Members were in receipt of the question submitted, Dr Chris summarised the main points as follows:

- The Council now has a Climate Emergency Advisory Panel – the questions asked request further details of how this work will be taken forward.

#### **Answer from Councillor Bailey**

“A motion was passed at the Full Council meeting last July recognising the climate emergency and agreeing an ambition to make the Council’s operations carbon neutral by 2030. The motion agreed other measures including setting up a cross-party panel to start a report within the current fiscal year to include a plan to conduct a green audit of the Council’s current carbon footprint.

The panel drafted the terms of reference last year once the membership of the panel was agreed by the four parties. The terms of reference are currently going through the Council’s committee process and was recently recommended for Cabinet approval by the Communities Advisory Board. However, the panel has already met several times and is pushing ahead with its remit.

I can confirm that the Council has already agreed a specification for the green audit and has appointed a consultant to undertake this work. The panel had also begun the process of collecting evidence, including on the environmental measures in the draft Local Plan and on Citizens Assemblies. It will continue to collect this evidence and the findings will feed into the report.

There is currently no budget for the panel as the budget for the current fiscal year was set several months before the Motion was passed. The funds for the Green Audit have been found from existing budgets.

The panel will continue to follow its remit and will start the report during the current fiscal year. No date has been set as yet for the completion, although I hope it will be finished before the end of this calendar year.

No discussions have taken place on the other areas mentioned in the question, such as air quality, as the panel recognises that its remit relates to carbon emissions.”

### **Supplementary Question from Dr Robert Chris**

“Would it not greatly enhance the effectiveness of this advisory panel, given that it does not have amongst the councillors experts in this very technical area, if it had at least one permanent member who was an expert in this field. Not necessarily a Councillor?”

### **Answer from Councillor Bailey**

“There was nothing in the Motion that was agreed at Full Council about appointing outside experts, and nothing in the terms of reference that was agreed by the panel. The panel itself does take one person each from the four political parties and that is a political balance that we are happy with. We are supported by officers who are knowledgeable in this area and we can also refer to outside experts as well.”

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

“At the meeting of Full Council on 25 September 2019, the Portfolio Holder for Finance and Governance undertook to answer whether there had been a breach in the Council’s internal policies and procedures in respect of the salaries of the Council’s Chief Executive and the Director of Finance, Policy and Development in 2018/19, both of which appeared to be in excess of the sums allowed in the Council’s pay policy. I have still to receive a response. Will he provide one now.”

### **Answer from Councillor Dawlings**

“I did investigate this matter and I am sorry that I did not reply to you Mr Tansley. But there has been no breach of the Council’s pay policy.”

### **Supplementary Question from Mr James Tansley**

“Given that the pay policy states explicitly that the range of the salaries for the stated officers runs at 95% to 105% of the median for that grade, under which it is subject to independent review. I note that in 2018/19 the salary, once returning officer fees are removed of the Chief Executive was £128,757.00 which is 107.3% of the median pay for that grade according to the pay policy. Whilst that of the Director of Finance, once returning officer fees are removed, was £109,415.00, which is 113.5% of the market median. In both cases, according to my maths, 107.3% and 113.5% are both in excess of 105%, something which I would like to think the Portfolio Holder for Finance would be aware of. Does he still stand by his statement that there is no breach of the policy?”

**Answer from Councillor Dawlings**

"I can only repeat the answer I gave to the question, there has been no breach of the Council's pay policy."

A written response was provided after the meeting:

"The salary totals presented within the statement of accounts also includes non-consolidated payments such as; Contribution Related Pay once the 105 per cent has been reached, retention allowances and untaken leave. When these amounts are excluded the contractual salaries for both posts are £126,000 and £96,600 respectively, which is at the 105 per cent mark referred to in the pay policy."

**9. Question from Dr Robert Chris**

"The draft budget for next year shows no income from Great Hall car park. Please explain why this is."

**Answer from Councillor Dawlings**

"The budget report shows that £850,000 of capital works are required to the Great Hall car park to extend the life of the asset by around 10 years, this is set out in Appendix M.

If funding is approved later in this meeting, then the works can be procured and a timetable published along with public consultation. This will involve temporarily closing the car park, so there will be no income coming from it."

**Supplementary Question from Dr Robert Chris**

"Could I ask you to confirm, if this budget is approved later this evening that the works will start on 1 April and will take an entire year, otherwise one assumes that there will be some income."

**Answer from Councillor Dawlings**

"The work will be planned and procured after the matter has been approved and I think it is perfectly prudent to assume that car park income will be zero from that time, but if it isn't, that is a bonus to the Council."

**10. Question from Mr James Tansley**

"Please provide details of which Council staff receive 'retention' allowances and how much these allowances are worth."

**Answer from Councillor Dawlings**

"This information is set out in Appendix Q of the Full Council budget report."

**Supplementary Question from Mr James Tansley**

"Who takes the decision to award retention and allowances and on what grounds?"

### **Answer from Councillor Dawlings**

“There is an annual review process, I have not been part of it yet. I will respond once I have checked it out.”

A written response was provided after the meeting:

“In relation to retention allowances the Head of Paid Service is responsible for all staffing matters and seeks professional advice from the Head of Human Resources.”

### **11. Question from Dr Robert Chris**

As Members were in receipt of the question submitted, Dr Chris summarised the main points as follows:

- The question refers to the implementation of the new waste collection arrangements, specifically with regards to blocks of flats.
- If blocks of flats have not been included in the new system, when will this start.

### **Answer from Councillor Bailey**

“In the run up to the new service, information about the new waste and recycling scheme was made available to all residents in the Borough in a variety of ways. Informational leaflets were delivered, and details appeared in Local magazine distributed to all households in the Borough. Further information was given on the Council website, on social media and using stickers attached to recycling bins.

I can confirm that neither Grove Hill House, nor any other property in the Borough has been singled out or ignored. If there are issues with waste collection at this property, I would urge residents to report the problem via the Council’s website.

All properties in the Borough now have containers for the separation of waste and recycling. The exception is food waste for properties with communal bin stores, as it is not practical to provide separate caddies for each individual household. However, the Council will be working with these properties to introduce larger food waste containers, subject to individual circumstances and space available, and we expect to roll this out over the course of this year.

No separate charge is made for food waste collection, and the properties without a container can still dispose of food waste using the green residual waste bin so it is not appropriate to consider any refunds.”

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

FC84/19 The Mayor advised that four questions from Members of the Council had been received under Council Procedure Rule 10, full details of which were set out in the supplement to the agenda.

### **1. Question from Councillor Williams**



“There are ten cycle parking bays in RVP, and of these six are now seemingly used permanently, that is to say most were cleared after the warning in January but now appear to be reverting to long-term parking to the detriment of those cyclists who work daily in the town and need somewhere to park their bikes safely.

Can the Council advise frustrated cyclists what measures it is taking to ensure current provision is actually available for daily use?”

**Answer from Councillor McDermott**

“Officers check the cycle huts on a daily basis as part of their routine patrol of our car parks, and if they suspect that the facility is being abused will put warning signs up prior to breaking the padlock and removing the contents.

It became apparent that one of the huts was being misused in January this year, and officers followed this process, which resulted in the contents being removed by the person using the hut before further action was necessary.

On two occasions in the last few weeks, when officers were specifically asked to check, there were four vacant huts on one day and two vacant huts on the other. The additional cycle locking points were mostly unused.

If the public suspect that the facility is being used permanently by one person, and bikes are being left for a long period of time or the huts are locked while empty, they can email [carparks@tunbridgewells.gov.uk](mailto:carparks@tunbridgewells.gov.uk) and officers will investigate and take the appropriate action.”

**2. Question from Councillor Pound**

“Can the Portfolio Holder confirm that the investment criteria for property acquisitions that the Cabinet committed to in October 2013 have remained unchanged since that Cabinet Meeting and that members have not been advised at any time since that date of any alteration to those property investment criteria?”

**Answer from Councillor Scott**

“Yes.”

**Supplementary Question from Councillor Pound**

“If the answer is yes, they have remained unchanged, can the Portfolio Holder therefore, on behalf of the Council confirm one or both of the following outcomes:

That the Council publically confirms as some residents believe, that the purchase of the 4 flats in Grove Hill House, all of which overlook the site of what would have been the new theatre was a purely political decision to quell opposition to the Calverley Square project and therefore should be included in the overall cost of the Calverley Square project; or

If they can't acknowledge that, that the Council now needs to advertise its change in property investment criteria so that all of the Borough's residents are aware of the Council's willingness to buy residential, leasehold properties if approached by individual owners, and that all will be considered against the same criteria as he says was used in considering the purchase of the 4 flats in Grove Hill House.”

### **Answer from Councillor Scott**

“The criteria as drafted and approved do not prevent the Council from acquiring property for a variety of reasons including, as in the case of Dowding House, helping the Council meet its obligations to tackle homelessness. In the case of Grove Hill House, the reports were considered by Councillors, including a detailed appraisal from independent, external professional advisors. The reports went through the Council’s full decision-making process, including the Cabinet Advisory Board and Cabinet and was not called-in. For the record, the Labour Member voted in favour. There is a particularly good reason for purchasing something that will give a good investment return to the Council and if it is within the criteria drafted then the Council will consider it.”

### **3. Question from Councillor Hill**

“Do we agree that Shopmobility in the Royal Victoria Place provides a valuable service to our Town? If so, why has Tunbridge Wells Borough Council again cut the funding, so much that it can no longer remain open?”

### **Answer from Councillor March (summarised)**

Tunbridge Wells Borough Council and Royal Tunbridge Wells Together recognise the need for a service that makes the Town Centre accessible to visitors and have committed to working with Royal Victoria Place on a solution. We have been the main financial supporters of Shopmobility for many years. But the Councils well documented financial challenge means we have had to warn the Trustees over 12 months ago that support would be reduced on a sliding scale – that is £10k last year, £9k this year and £8k next year, as agreed by a cross-party working group in January 2019. And, for information, the National Federation for Shopmobility UK states that their priority this year is trying to make Shopmobility self-sufficient.

With the Tunbridge Wells Lotto, Shopmobility has been registered since 31 May 2017 and has received a payment totalling £574.00.

### **Supplementary question from Councillor Hill**

“This is not just a place to hire a wheelchair, it is an information service for people just out of hospital to parking issues. I must stress it is a service, not a business. People who use this service also shop in the town can we please look again at funding for this vital service to vulnerable people because if Shopmobility has to close what sort of a message does that send to our residents regarding Tunbridge Wells Borough Council as a caring Council?”

### **Answer from Councillor March**

“We do know that there is a Concierge service in Royal Victoria Place and they are there to answer a lot of questions. All of the questions that Councillor Hill has mentioned can be dealt with by the Concierge service. There are wheelchairs available if you go to the Concierge and we are dealing with Royal Victoria Place where there will not be a situation where there will be no wheelchairs for people to use in the Town Centre of Tunbridge Wells.”

#### **4. Question from Councillor Williams**

“Is the Council aware that there was traffic gridlock on the mornings of Monday 10, for the first time ever in Sherwood, and incredibly then again on Thursday 13 too, raising residents' concerns that the new proposal for major development at Kingstanding Way should be accessed not from Longfield Road, where full capacity was reached twice that week, but from the next junction up on the A21 towards Tonbridge?”

#### **Answer from Councillor McDermott**

“We are certainly aware of the gridlock caused by flooding which happened on the A21 – we had a rather heavy storm if you recall, we’ve had two weekends of it – and it will be raised with Highways England. Every village in the local areas was swamped with cars as they couldn’t use the A21. As with any planning application, issues relating to highways matters will be subject to discussion between the Council as Local Planning Authority, Kent County Council and Highways England.

Of course the A21 was closed, not only for flooding but also because there was a bad accident there.”

#### **Supplementary question from Councillor Williams**

“Can you sense why local residents are concerned that there be more proposals for more developments without apparently the road infrastructure being improved to accommodate it?”

#### **Answer from Councillor McDermott**

“Wherever you go, you are going to have problems when there is flooding as we have seen in the last couple of weeks. The flooding on the A21 was in a spot where it wasn’t expected. It stopped all the traffic there so what do people do? They turn off at Matfield and go through Matfield and Pembury, or they go through Tonbridge, or they travelled through Tunbridge Wells and through Sherwood. Similarly, with the bad accident between Kippings Cross roundabout and Pembury, no traffic was not able to get through that way and they had to use other routes. I don’t necessarily think it was due to Longfield Road necessarily but it was down to an accident in one case and in the other case a very bad flood.”

### **CHANGES TO THE POLITICAL BALANCE OF THE COUNCIL, FEBRUARY 2020**

FC85/19 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

The report was taken as read.

The Mayor took a vote on the motion by affirmation.

#### **RESOLVED –**

1. That the allocation of seats on committees as set out in paragraph 2.11 of the report be approved; and
2. That the changes to the appointments to committees as set out at Appendix A to the report be noted.

## **APPOINTMENT OF INDEPENDENT MEMBERS OF THE AUDIT AND GOVERNANCE COMMITTEE**

FC86/19 Councillor Barrington-King moved, and Councillor Reilly seconded, the recommendations set out in the report.

The report was taken as read.

The Mayor took a vote on the motion by affirmation.

**RESOLVED** – That Mr Geoffrey Turner be appointed to the Audit and Governance Committee as an Independent Member for a term of four years.

## **ASSET MANAGEMENT PLAN 2020/21**

FC87/19 Councillor Scott moved, and Councillor Dawlings seconded, the recommendations set out in the report.

Debate on the motion included the following comments:

- Of the sixty-eight properties listed sixty-four met the investment criteria. It was not correct to say that the four flats in Grove Hill House met the property investment criteria. The Council had decided to ignore its own criteria and had not advised members that it had changed judgement on what those criteria are.
- The Council had bought four flats in Grove Hill House quite purely for political reasons to quell opposition to the Calverley Square development. The Council had essentially become a private landlord propping up market rents within the middle of the town and that was wholly inappropriate. The four properties should be sold and some of the money should be used on other services.

Councillor Williams moved, and Councillor Pound seconded, an amendment to the motion to remove words and add words to the effect that the motion reads: "That the Asset Management Plan 2020/21 be adopted save for a recommendation to Cabinet that the properties in Grove Hill House be disposed of."

Debate on the amendment included the following comments:

- Any capital receipt from the sale of the properties could not be used in the revenue budget.

The Mayor took a vote on the amendment by show of hands: 12 For, 17 Against, 12 Abstain.

**AMENDMENT NOT CARRIED**

Debate returned to the original motion.

The Mayor took a vote on the original motion by affirmation.

**RESOLVED** – That the Asset Management Plan 2020/21 be adopted.

## **BUSINESS RATES RETAIL RELIEF 2020/21**

FC88/19 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

The report was taken as read.

The Mayor took a vote on the motion by affirmation.

**RESOLVED** – That the amended Retail Relief Policy be adopted.

## **BUDGET 2020/21 AND MEDIUM TERM FINANCIAL STRATEGY UPDATE**

FC89/19 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

Mr James Tansley had registered to speak, which included the following comments:

- By any standards the council's performance in the last year had been dismal. It had wasted nearly £11m on the Calverley Sq. project. It had introduced a new waste collection scheme which provided a worse service at a higher cost than the one it replaced. Its disruptive, costly and unnecessary civic space project had damaged hard-pressed businesses in Monson Rd, and it had imposed inflation busting increases in charges for virtually every service it provided.
- The Council has lost the trust of residents who resented the lack of transparency at the way it spent their money.
- The draft budget contained a lot of irrelevant detail, dubious statistics and meaningless comparisons. It further sought to increase the amount of tax it received by close on twice the rate of inflation.
- The Tunbridge Wells tax-payer was being asked to pay more for worse services. Councillors were not undertaking proper scrutiny and challenge on Council expenditure. The draft budget should be thrown out.

Ms Anne Musker had registered to speak, which included the following comments:

- 1 in 10 people had a physical disability. In addition, there were those with physical restrictions due to broken legs, hip and knee replacements and other associated issues. All were served by Shopmobility.
- Wheelchairs were not automatically allocated, sometimes taking months to be assigned. In addition, users had to be unable to use a manual wheelchair in order to be given a powered wheelchair.
- Powered wheelchairs offered independence.
- Shopmobility benefited from an enormous amount of volunteer time, including free accountancy and admin.
- Shopmobility scooters could be used across Tunbridge Wells and not just in the RVP. Demand for scooters was close to 1,000 per year.
- The amount of money offered was not sufficient to sustain Shopmobility – something that TWBC should have been aware of through consultation with Shopmobility, its users and from TWBC's own Equality Impact Survey.

- This budget should be should now be referred back to Committee to identify both emergency and long-term funding to ensure that injured, sick and disabled people were able to continue to make use of this valuable resource.

Ms Caroline Riddle, Chair of Tunbridge Wells Shopmobility, had registered to speak, which included the following comments:

- The decision to close Shopmobility was not taken lightly.
- The wheelchairs and scooters all belonged to Shopmobility and would now be sold.
- Shopmobility was a charity with a number of Trustees. Except for one member of staff who is required by the insurers to be paid, all those who work for Shopmobility were volunteers.
- For many years Shopmobility felt wanted and supported by TWBC and was able to operate 9-5pm Monday to Saturday. This was no longer case with the grant being cut by £1-2k each year – this was now causing financial difficulties. Cash reserves were being used to pay the bills.
- The last grant was for £10,000. This required a change in opening hours to 10-4:30pm Tuesday to Saturday. Options had now run out and Shopmobility would close on 31 March 2020.
- It was hoped that there were sufficient funds available to pay the outstanding costs.
- Applications had been made but no funding had been offered from any other organisation.

Debate on the motion included the following comments:

- The Liberal Democrats would support the budget and welcomed the inclusion of funding for the Amelia Scott, investment for the Assembly Hall Theatre and the allocation of funding for the urgent attention that was needed for the existing Civic buildings.
- A cultural change was required to how the Council dealt and engaged with residents. Mechanisms to take this forward were also included in the budget.
- Money to improve grass routes football facilities was also welcomed.
- There was a need to provide a service such as Shopmobility and there was a request that provision should be reconsidered.
- Although told that austerity was over, many residents were still struggling to make ends meet. Government promised much but had delivered little – residents paid more but received less.
- The effects of Brexit uncertainty remained. Many grants given to organisations such as Age UK had been cut. As a result services were struggling.
- The budget consultation received 199 responses. Of those responses Housing and Homelessness were top of the agenda.
- More housing, particularly Social Housing needed to be built. The Council needed to find more ways to build more houses to reduce the number of people on the housing waiting list.
- Very little was included on Climate Emergency, air quality and traffic congestion.
- Labour welcomed and supported the Amelia Scott but could not support the budget as a whole.

- The job of the Council was to deliver services to local people and deliver them well.
- Tunbridge Wells Alliance were in support of the budget.
- It should be recognised that the Council was a very well-run council with a high level of competent and dedicated staff.
- Kent County Council might be in a position to offer financial assistance to Shopmobility.
- Any consideration of help to Shopmobility should also include the provision of powered wheelchairs which at present Shopmobility does not offer.
- Shopmobility did not form part of the Budget. The Community Grants Panel met in January 2019 and put forward its budget to all the relevant organisations including Shopmobility. All reductions were accepted. Out of those who used the Shopmobility service last year, 486 used manual wheelchairs with 301 using the motorised version. It was not possible to divert funds from other organisations to Shopmobility when there were possible alternatives from other sources.

In accordance with Council Procedure Rule 15.7, the Mayor took a recorded vote on the motion.

Members who voted in favour of the motion: The Mayor Councillor Scholes, The Deputy Mayor Councillor Podbury, Councillors Atkins, Atwood, Backhouse, Bailey, Barrington-King, Bland, Chapelard, Mrs Cobbold, Dawlings, Ellis, Fairweather, Funnell, Hamilton, Hayward, Hickey, Holden, Mackonochie, March, McDermott, Morton, Poile, Pope, Rands, Reilly, Rutland, Scott, Simmons, Soyke, Stanyer, Thomson, Warne, Williams and Woodward. (35)

Members who voted against the motion: Councillors Everitt, Hill, Lewis, Neve and Pound. (5)

Members who abstained from voting: Councillor Bruneau. (1)

#### **RESOLVED –**

1. That the 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 P to the report be noted;
3. That the rolling forward of the capital programme, including additional gross funding of £3,072,050 for new schemes listed within the report, be approved;
4. That the 2020/21 Pay Policy Statement, set out at Appendix Q to the report, be approved; and
5. That an increase in the 'Basic Amount' of Council Tax of £5.00 per annum for a Band D property be approved.

## **COUNCIL TAX 2020/21**

FC90/19 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

Debate on the motion included the following comments:

- Details of the Council's 'Go' card would be distributed with Council Tax bills.

In accordance with Council Procedure Rule 15.7, the Mayor took a recorded vote on the motion.

Members who voted in favour of the motion: The Mayor Councillor Scholes, The Deputy Mayor Councillor Podbury, Councillors Atwood, Backhouse, Bailey, Barrington-King, Bland, Chapelard, Mrs Cobbold, Dawlings, Ellis, Fairweather, Funnell, Hamilton, Hayward, Hickey, Holden, Mackonochie, March, McDermott, Morton, Poile, Pope, Rands, Reilly, Rutland, Scott, Simmons, Soyke, Stanyer, Thomson, Warne, Williams and Woodward. (34)

Members who voted against the motion: Councillors Bruneau, Everitt, Hill, Lewis, Neve and Pound. (6)

Members who abstained from voting: Councillor Atkins. (1)

**RESOLVED** – That the Council Tax for 2020/21 be approved as set out at Appendix A to the report.

## **TREASURY MANAGEMENT POLICY AND STRATEGY 2020/21**

FC91/19 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

The report was taken as read.

The Mayor took a vote on the motion by affirmation.

**RESOLVED** – That the Treasury Management Policy and Strategy 2020/21, as set out at Appendix A to the report, be adopted.

## **CAPITAL STRATEGY 2020/21**

FC92/19 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

The report was taken as read.

The Mayor took a vote on the motion by affirmation.

**RESOLVED** – That the Capital Strategy 2020/21, as set out in Appendix A to the report, be adopted.

## **MOTION ON NOTICE FROM COUNCILLOR RANDS**

FC93/19 Councillor Rands moved, and Councillor Rutland seconded, the motion set out in the report.



Debate on the motion included the following comments:

- Road safety was a major concern for residents. Although responsibility for this sat mainly with Kent County Council, action could still be taken forward by TWBC.
- The introduction of a near miss register would be a tool that would be able to assess where there was greatest risk and predict where most accidents were likely to occur. Action could then be taken before somebody was either killed or seriously injured.
- This system was already in use by the Ministry of Defence and in aviation. It was also used extensively in Australia and New Zealand.
- The term 'near miss' was a subjective and would always have to rely on the judgement of those who were involved.
- Those involved in a 'near miss' should be provided with a means to report it which in turn would provide a set of data that could be analysed and if necessary remedial measures could be considered.
- The motion asked that instruction be given to investigate the costs, means and viability of establishing and maintaining a near miss register to cover the roads in the Borough of Tunbridge Wells. This action to be taken forward and reported back to Full Council in April 2020.

Councillor Woodward moved, and Councillor Backhouse seconded, a procedural motion under Council Procedure Rule 12.4 to refer this matter to the Joint Transportation Board.

Debate on the procedural motion included the following comments:

- The JTB consisted of Borough and County Council officers who would be best placed to consider this matter and to make recommendations to both Kent Highways and the Borough's Cabinet.

Councillor Holden moved, and Councillor Backhouse seconded, a closure motion under Council Procedure Rule 13.10.4 that the question now be put.

Consent to the closure motion was inferred by the taking of the vote on the procedure motion.

Councillor Chapelard requested a recorded vote on the procedural motion.

Members who voted in favour of the procedural motion: The Mayor Councillor Scholes, The Deputy Mayor Councillor Podbury, Councillors Atkins, Atwood, Backhouse, Bailey, Barrington-King, Mrs Cobbold, Dawlings, Fairweather, Hamilton, Holden, Mackonochie, March, McDermott, Pound, Reilly, Scott, Simmons, Soyke, Stanyer, Thomson, Williams and Woodward. (24)

Members who voted against the procedural motion: Councillors Bland, Chapelard, Ellis, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Morton, Poile, Pope, Rands, Rutland and Warne. (15)

Members who abstained: None.

**RESOLVED** – That the matter be referred to the Joint Transportation Board.

During the debate on a subsequent agenda item, Councillor Pound noted that his vote had been intended to be in respect of the closure motion, believing that the procedural motion would follow. He would have voted against the procedure motion.

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

FC94/19 Councillor Hayward moved, and Councillor Pope seconded, the motion set out in the report.

Debate on the motion included the following comments:

- To consider the introduction of a pilot scheme for a reuse facility that would allow goods that would have been discarded to be reused.
- Consideration should be given to include organisations already involved in this, e.g. The British Heart Foundation and Hospice in the Weald.
- Need to ensure the facility did not contravene the Sales of Good Act.
- The site at North Farm was not big enough to include a recycling shop.
- If the shop was at located at another venue, it would lose some of its convenience.
- There were a number of organisations that already offered this service. A council run alternative would result in loss of revenue to these other organisations/charities e.g. YMCA.
- Any work should be done in consultation with local charities.
- Kent was one of the few councils that didn't have a shop.
- A new repair café was due to open at Trinity in early March.

The Mayor took a vote on the motion by affirmation.

**RESOLVED** – That following this Council's declared ambition to be carbon neutral by 2030 and its commitment to reduce waste, whilst recognising the emergence of 're-use' shops, this Council requests that Kent County Council explore the introduction of a pilot scheme for a re-use facility on or near to the North Farm Household Waste Recycling Centre.

### **MOTION ON NOTICE FROM COUNCILLOR POUND**

FC95/19 Councillor Pound moved, and Councillor Hill seconded, the motion set out in the report.

Debate on the motion included the following comments:

- The matter was not a case of grandstanding but should form part of the core responsibility of the local authority.
- A large portion of the community was disenfranchised.
- Whilst Tunbridge Wells was one of the least deprived districts in Kent there were still 6,500 children living in poverty.
- There were too many areas where too many people were living in poverty.
- Poverty was just one of the measures in the Government's indices of multiple deprivation.

- It was not good enough to say the Council was not responsible for factors which contributed to deprivation so a public investigation into the extent of poverty would help the Council and its partners to identify what could be done.
- Considerable resources had been spent on growth through investment in assets with insufficient investment in people.

Councillor Mackonochie moved, and Councillor Holden seconded, a procedural motion under Council Procedure Rule 12.4 to refer the matter to the Overview and Scrutiny Committee.

Debate on the procedural motion included the following comments:

- This was a complex issue and Overview and Scrutiny Committee was the appropriate body to look into the matter and decide on the method of moving forward.

Councillor Holden moved, and Councillor March seconded, a closure motion under Council Procedure Rule 13.10.4 that the question now be put.

Councillor Pound requested a recorded vote on the closure motion.

Members who voted in favour of the closure motion: Councillors Atwood, Backhouse, Bailey, Dawlings, Fairweather, Holden, Mackonochie, March, McDermott, Scott, Simmons, Thomson and Williams. (13)

Members who voted against the closure motion: Councillors Atkins, Chapelard, Ellis, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Morton, Poile, Pope, Pound, Rands, Rutland and Warne. (16)

Members who abstained: The Mayor Councillor Scholes, The Deputy Mayor Councillor Podbury, Councillors Atwood, Barrington-King, Bland, Mrs Cobbold, Hamilton, Reilly, Simmons and Woodward. (10)

### **CLOSURE MOTION NOT CARRIED**

Debate returned to the procedural motion (to refer the matter to the Overview and Scrutiny Committee).

Debate on the procedural motion included the following comments:

- A complex issue. A lot of work was already going on at County level.
- A great deal of work would be involved so there was a need for in-depth discussion to decide how best to proceed.
- Councillor Hamilton extended an invitation to Councillor Pound to see some of the work being undertaken at County level.
- There was concern that taking it direct to Overview and Scrutiny Committee was inappropriate and would seriously delay any action taking place.
- Additionally, concern was raised over the level of resources available to take this forward at Overview and Scrutiny.
- If the issue were referred to Overview and Scrutiny it should be dealt with as a matter of priority.
- It was suggested that those Councillors representing the highlighted areas of concern be included in any discussions going forward.

- The Overview and Scrutiny was not representative of all Councillors affected by this issue.
- The Committee had powers to act, coordinate extra resources if necessary and give the opportunity for public engagement.
- Other Councillors could be invited to join any working group looking at this issue that would then feed into discussions at Overview and Scrutiny.

Councillor Pound requested a recorded vote on the procedural motion.

Members who voted in favour of the procedural motion: The Mayor Councillor Scholes, The Deputy Mayor Podbury, Councillors Atwood, Backhouse, Bailey, Barrington-King, Bland, Dawlings, Fairweather, Hamilton, Holden, Macknochie, March, McDermott, Mrs Soyke, Reilly, Scott, Simmons, Stanyer, Thomson and Williams. (21)

Members who voted against the procedural motion: Councillors Atkins, Chapelard, Ellis, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Morton, Poile, Pope, Pound, Rands, Rutland and Warne. (16)

Members who abstained: Councillor Woodward. (1)

**RESOLVED** – That the matter be referred to the Overview and Scrutiny Committee.

#### **MOTION ON NOTICE FROM COUNCILLOR EVERITT**

FC96/19 Councillor Everitt moved, and Councillor Morton seconded, the motion set out in the report subject to an alteration of the motion under Council Procedure Rule 13.7.1 to replace “Full Council on 8 July 2020” in paragraph 4 with “Cabinet on 10 September 2020”. The meeting consented to the alteration by affirmation.

Mr David Mooney had registered to speak, which included in the following comments:

- The question now was not whether we should act, but what action could be taken and how quickly.
- Now the owner of an electric car, but with no driveway.
- Kent County Council suggested use of the Olaf Government Grant for the installation of home and on street charging points.
- The recent Kent Energy and Low Emissions Strategy consultation identified transport as the biggest problem producing 41% of carbon emissions.
- Funds were available that would allow councils to take the first steps to meet projected need, which was anticipated to be 50-70% of new cars by 2030.
- Westminster and Southwark Council were using lamppost charging systems. Oxford Council had installed pop up chargers that emerged from the pavement.
- There had been stories that sited potential problems with power capacity. In 2017 there was an implication that 6 nuclear power stations would be needed to meet the new demand. This statement had since been withdrawn and apology given.
- The use of better charged storage systems and smart charging that would regulate demand to off peak periods would provide a much higher set of efficiencies.

- Council car parks had been identified as potential new locations.

Debate on the motion included the following comments:

- The Borough's infrastructure for the use of Electric Vehicles was behind the level of demand.
- Tiered authorities contributed to a lack of responses to new resident demands.
- Central Government applications for funding were not restricted to Highway Authorities.
- TWBC should be proactive and put together a funding plan and a resident led list of charging point locations that could be submitted to Kent CC.
- The reference to 6 nuclear power stations was put forward as the necessary increase in output to fuel 30 million cars if all the cars were replaced that were currently on the road. Alongside this statistic was the need for 3 million charging points. Based on population, Kent would need 70,000 charging points.
- The current method for 'fuelling' was to go to a petrol station – should one consideration be to turn these to electric stations.
- The issue was too big to be restricted to discussions within the Borough. It needed to be County wide and include a wide range of relevant organisations.
- The Chinese had incorporated solar panels into the roofs of their cars as an alternative to using dedicated charging points.
- The Council had a duty to provide an option that would allow people to drive around in an environmentally friendly way.

Councillor Bailey moved, and Councillor Woodward seconded, an amendment to the motion, to remove paragraphs 4-7 and add in its place: "The Council recognises that the draft Local Plan includes both Borough wide and site specific policies that would drive up the number of EV charging points and commits to work with KCC to explore how we can improve the number and availability of curb side charging points and how this can be funded so as to minimise the impact on local tax payers."

Debate on the amendment included the following comments:

- This amended motion should not be supported, as with the accident risk register and the motion on poverty, it would only serve to push the issue into the long grass.
- The amended motion advocated collaboration with Kent County Council. It should also include other commercial suppliers.
- The amendment demonstrated how this work could be taken forward and the reality of what would be involved to make it happen.
- The amendment recognised the complexity of the issue but failed to give any indication of how it could be progressed.
- The evolving technology was kinetic energy, hydrogen cell technology. The danger was that electric charging points would be installed that would then become redundant. It was therefore important to think in the longer term and take account of evolving technology alongside the current thinking around EV charging.
- To encourage people to take up the option of having an electric car there needed to be mechanisms in place to do this from their homes.

- The amendment did not include any targets, timeframe or measures for success.
- The amendment was reactive and not proactive.
- A better objective would be to concentrate on the installation of EV charging points, rather than obtaining a position on a league table that would be subject to constant change.
- Transport as whole including vehicle design and emerging technology should be included – EV charging in isolation was not the answer.
- As this issue had already been included in the draft Local Plan it was suggested this would be the logical route to take the work forward.
- The inclusion of a target of 20% was suggested as a better way forward rather than to focus on a target number of EV chargers.
- The original motion focussed its attention on what could be done now, rather than in the longer term. The use of hydrogen was too far in the future.

Councillor Everitt requested a recorded vote on the amendment.

Members who voted in favour of the amendment: Councillors Atwood, Backhouse, Bailey, Barrington-King, Bland, Mrs Cobbold, Dawlings, Fairweather, Hamilton, Holden, Mackonochie, March, McDermott, Reilly, Scott, Simmons, Thomson, Williams and Woodward. (19)

Members who voted against the amendment: Councillors Atkins, Chapelard, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Morton, Poile, Pope, Pound, Rands, Rutland and Warne. (15)

Members who abstained: The Mayor Councillor Scholes and The Deputy Mayor Councillor Podbury. (2)

#### **AMENDMENT CARRIED**

The amendment became the substantive motion.

The Mayor took a vote on the substantive motion by affirmation.

#### **RESOLVED –**

Tunbridge Wells has seen a significant increase in Electric Vehicle (EV) ownership in 2019. It was 8th in the highest growth rate league of EV ownership in the UK. Yet, as of October 2019, our borough had only 21 public charging points, placing it far below the average of 40 per UK local authority area. One of our neighbouring authorities of Maidstone possessed 37.

In response to our deficit of public charge devices, this Council recognises its responsibility to increase provision for current and future need across the borough including significant kerb side provision for those who do not have off street parking. Currently devices are concentrated within central Tunbridge Wells in car parks and do not provide easy 'close to home' charging.

A better availability of public charging devices will promote the continued growth of EV ownership within our Borough, reduce pollution, improve air quality and decrease carbon emissions in line with the Council's commitment to encourage a borough wide reduction of emissions by 2030. It will also be

line with the objectives outlined in the Government's 'Road to Zero' policy and the recent announcement of a ban of new petrol and diesel car sales by 2032.

The Council recognises that the draft Local Plan includes both Borough wide and site specific policies that would drive up the number of EV charging points and commits to work with KCC to explore how we can improve the number and availability of curb side charging points and how this can be funded so as to minimise the impact on local tax payers.

#### **URGENT BUSINESS**

FC97/19 There was no urgent business.

#### **COMMON SEAL OF THE COUNCIL**

FC98/19 **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**

FC99/19 The next scheduled meeting was Wednesday 22 April 2020.

#### **NOTES:**

The meeting concluded at 11.05 pm.

An audio recording of this meeting is available on the Tunbridge Wells Borough Council website.