

## **TUNBRIDGE WELLS BOROUGH COUNCIL**

MINUTES of a meeting of the Tunbridge Wells Borough Council, duly convened and held at the Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS, at 6.30 pm on Wednesday, 7 December 2016

### **PRESENT:**

**The Mayor Councillor David Neve (Chairman)**

**Councillors Backhouse, Barrington-King, Dr Basu, Bulman, Chapelard, Dawlings, Elliott, Dr Hall, Hamilton, Hannam, Hastie, Heasman, Hill, Hills, Holden, Horwood, Huggett, Jamil, Jukes, Lewis-Grey, Lidstone, Mackonochie, March, McDermott, Moore, Munn, Noakes, Nuttall, Oakford, Ms Palmer, Podbury, Rankin, Reilly, Scholes, Simmons, Sloan, Mrs Soyke (Vice-Chairman), Stanyer, Stewart, Mrs Thomas, Uddin, Weatherly, Williams and Woodward**

**IN ATTENDANCE:** William Benson (Chief Executive), Lee Colyer (Director of Finance and Corporate Services (Section 151 Officer)), Mark O'Callaghan (Democratic Services Officer) and Keith Trowell (Senior Lawyer and Deputy Monitoring Officer)

### **APOLOGIES FOR ABSENCE**

FC43/16 Apologies were received from Councillors Bland, Mrs Cobbold and Gray.

### **DECLARATIONS OF INTEREST**

FC44/16 The Mayor advised that no declarations in respect of minute FC51/16 were necessary as all Members were equally affected. No declarations of pecuniary or significant other interest were made.

### **ANNOUNCEMENTS**

FC45/16 The Mayor noted that a written summary of his past and future engagements had been made available to Members. He invited a number of public speakers to talk about events attended by the Mayor and Mayoress.

Josh and Logan demonstrated magic tricks they had learnt at A. J. Magic School. The organisation worked with children and had recently celebrated their first anniversary at an event attended by the Mayor and Mayoress.

David Ward, Chair of Southborough Methodist Church, commented that the church was a community centre that ran many events to the benefit of the local community and various charities. A major refit including better facilities and a coffee shop was being considered to bring the hall closer to the community. He praised the Mayor's Toy Appeal and confirmed that the church would be continuing to support this worthy cause.

Darcey explained that she had entered a painting in the Trinity Fresh Paint Exhibition and had won the aged five to seven category. The theme had been 'Joy' so she had painted a cake to show her love of baking. She had been proud and excited that the paintings would be on public display and that she had met the Mayor at an exclusive viewing and awards ceremony. The experience had inspired her and others to continue painting.

Councillor Jukes congratulated the Mayor and the speakers. He had no other announcements.

There were no announcements by members of the Cabinet.

There were no announcements by the Chief Executive.

### **THE MINUTES OF THE PREVIOUS MEETING**

FC46/16      **RESOLVED** – That the minutes of the meeting dated 12 October 2016 be approved as a correct record.

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

FC47/16      The Mayor advised that no questions from members of the public had been received pursuant to Council Procedure Rule 8.

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

FC48/16      The Mayor commented that there were five questions pursuant to Council Procedure Rule 10 which would be taken in the order in which they were received.

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

“What discussions have taken place with our proposed partners in Sevenoaks and Tonbridge and Malling about the best location for a Town Hall that suits the needs of the joint authority?”

#### **Answer from Councillor Jukes**

Councillor Jukes responded that there have been no such discussions and there were no proposals to merge councils.

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

Councillor Williams rhetorically asked whether Councillor Jukes’ successor might take a different approach.

#### **2. Question from Councillor Chapelard**

“Could the Portfolio Holder provide a breakdown of Tunbridge Wells Borough Council staff reductions for each of the years since 2010 and how these were achieved?”

#### **Answer from Councillor Jukes**

Councillor Jukes commented that details of staffing numbers were set out every quarter in the Council’s revenue budget management reports. This included details of staff numbers and the departments in which they are employed.

#### **Supplementary question from Councillor Chapelard**

Councillor Chapelard was disappointed by the lack of a breakdown of the figures and asked how many of the staff reductions since 2010 were as a result of voluntary and involuntary redundancies.

**Response from Councillor Jukes**

Councillor Jukes confirmed he would reply in writing.

**3. Question from Councillor Chapelard**

“How does the Leader of the Council propose to fund the £67m civic complex development which includes a new office, theatre and car park?”

**Answer from Councillor Jukes**

Councillor Jukes commented that Councillor Chapelard had previously shown his support for the project and had intimated at the time that he understood that the details of the funding solution were not yet in place. As part of the Full Council decision planned for later next year a funding options appraisal would be included. There would be long term benefits accruing from a new theatre and office therefore a substantial part of the funding would be from long term borrowing. The Council continued to monitor borrowing rates which were still at record lows and represented excellent value in funding capital projects.

He added that one way of making the funding of the scheme more achievable was to reduce the financing costs. Within the finer detail of the Autumn Statement was an announcement of a significant discount on the published Public Works Loans Board rate. This was no surprise as this Council had been instrumental in getting this discount to help fund major capital projects in the public sector.

**Supplementary question from Councillor Chapelard**

Councillor Chapelard asked whether it would be better to know how the project was to be funded before progressing too far along the process and spending several millions of pounds.

**Response from Councillor Jukes**

Councillor Jukes responded to say that the work would primarily be funded through a loan from the Public Works Loans Board, it was only the amount that was yet to be confirmed. RIBA Stage 1 had set out the concept and progression to RIBA Stage 2 had been strongly supported at a previous meeting. The project was nearing the completion of RIBA Stage 2 which would provide an outline of the construction and its costs, upon which the funding options would be based.

It had been suggested that the loan could be over a period of 50 years. Whilst this may seem a long time it should be remembered that funding for the current Town Hall had been from the Public Works Loans Board over a period of 60 years. The proposed development was an investment in the future of the town.

He added that the project would be as cost effective as possible and parts were intended to be self-funding. For example, the office block was expected to generate income of approximately £600,000 per year meaning the payback period would be less than 30 years. All known details were available for inspection by any councillor and he was happy to explain further.

#### **4. Question from Councillor Chapelard**

“What lessons had Tunbridge Wells Borough Council learnt from Phase 1 of the public realm work at Fiveways?”

#### **Answer from Councillor Jukes**

Councillor Jukes answered that any works in the near future would be obliged to employ Kent County Council consultants and contractors however the Borough Council would employ its own Clerk of Works who represents the client. The Clerk would have the power to scrutinise and insist on work being done a particular way to ensure the Council got the high quality of finish desired.

#### **Supplementary question from Councillor Chapelard**

Councillor Chapelard asked if the Leader could guarantee that a Clerk of Works would mean that on Phase 2 of the public realm works £1.1 million would not be wasted and there wouldn't be the same problems as had been experienced at Fiveways.

#### **Response from Councillor Jukes**

Councillor Jukes reiterated that the Clerk of Works would be working for the Borough Council and duly empowered to enable them to be responsible for the quality of the works.

#### **5. Question from Councillor Chapelard**

“Can the Portfolio Holder give: (a) a breakdown of the total costs to Tunbridge Wells Borough Council; and (b) a breakdown of the total income for the Calverley Grounds ice rink since it was created up to the end of the 2015-16 season?”

#### **Answer from Councillor March**

Councillor March commented that given that this question was submitted after the deadline she hoped a short answer would be acceptable but that she would follow with a full year-on-year breakdown direct to Cllr Chapelard. Furthermore, questions of a factual nature could be asked informally at any time.

To date the ice-rink has cost £1,412,714 and made an income of £1,273,615.

#### **Supplementary question from Councillor Chapelard**

Councillor Chapelard asked if it was not the case that, contrary to Councillor Jukes' comments at the meeting of the Cabinet on 1 December 2016, users of the ice rink were being subsidised as the rink was running at a loss. He added that he supported the ice rink and wished it success in the future.

#### **Response from Councillor March**

Councillor March commented that the difference between cost and income since the ice rink started was £139,099, however, this mainly consisted of the start-up costs. For the last two years the ice rink had been subsidy free and

£94,000 was now in reserve. She added that 170,103 tickets had been sold to date meaning the overall subsidy had been 81.7p per person but this was far outweighed by the economic, health and social benefits to the Borough.

## **NOTICE OF USE OF URGENCY PROCEDURE**

FC49/16 The Mayor introduced item 7 and explained that it was to note the Use of the Urgency Procedure in respect of Cabinet decision CAB102/16 (Property Investment Portfolio – Potential Acquisition) in accordance with Overview and Scrutiny Procedure Rule 14.

He added that this was the rule in the Constitution whereby the Chairman of the Overview and Scrutiny Committee may waive the requirement for call-in where a decision was urgent and delay would seriously prejudice the Council's or the public's interests. Details of the decision and the reasons why the rule was used were available to all Members at the time. The rule also required the use of the procedure to be reported to the next available Council meeting. The matter was not open for discussion but Members were asked to note the use of the procedure.

**RESOLVED** – That the use of the Urgency Procedure in respect of Cabinet decision CAB102/16 be noted.

## **COUNCIL TAX REDUCTION SCHEME 2017/18**

FC50/16 The Mayor opened item 8 and noted that the matter had been the subject of significant consultation both public and within the Council.

Councillor Barrington-King introduced the report and commented that the Members had had the opportunity to receive a briefing by the Revenues and Benefits service which had set out the challenging financial circumstances and the details of the report. The scheme had been in operation for three years and a further one year was being sought. This had been supported by the Kent Platform consisting of Kent County Council, Kent Police and Kent Fire and Rescue Service. The research which formed the basis of the recommendations had been worked on by Finance Officers and representatives of all the Kent preceptors. Cabinet and the Finance and Governance Cabinet Advisory Board supported approval of the recommendations. Councillor Barrington-King moved the three recommendations.

Councillor Weatherly seconded the motion.

Councillor Munn commented that he wanted a council that worked for all but these proposals treated the target households as if they were part of the privileged few, which they were not. He was opposed to the motion.

Councillor Hill requested a recorded vote.

The Mayor advised that the three recommendations would be taken en bloc and took a recorded vote on the motion.

Members voting in favour of the motion: Councillors Backhouse, Barrington-King, Dr Basu, Bulman, Dawlings, Elliott, Dr Hall, Hamilton, Hannam, Hastie, Heasman, Hills, Holden, Horwood, Huggett, Jamil, Jukes, Lewis-Grey,

Mackonochie, March, McDermott, Moore, Noakes, Nuttall, Oakford, Ms Palmer, Podbury, Rankin, Reilly, Scholes, Simmons, Sloan, Mrs Soyke, Stanyer, Stewart, Mrs Thomas, Uddin, Weatherly, Williams and Woodward.  
(40)

Members voting against the motion: Councillors Hill and Munn. (2)

Members abstaining from voting: Councillors Chapelard, Lidstone and Neve.  
(3)

## **MOTION CARRIED**

### **RESOLVED –**

1. That the outcome of the public consultation in respect of the Council Tax Reduction Scheme 2017/18 be noted;
2. That the potential impact of the proposed changes on working age claimants with the protected characteristics of disability, age and sex, under the Equalities Act (2010) be noted; and
3. That the Council Tax Reduction Scheme 2017, as set out at Appendix D to the report, incorporating the changes within Appendix A to the report, be agreed.

### **MEMBERS' ALLOWANCES 2017/18**

FC51/16 The Mayor opened the item noting that the matter had been the subject of an all-Member briefing immediately prior to this meeting. The recommendation in the report invited a choice of three options summarised on page 221 of the agenda pack.

Councillor Barrington-King thanked the members of the Joint Independent Remuneration Panel for their diligent work and commented that the process of determining their own allowances put the Panel and members of the Council in a difficult position. The report set out the work undertaken by the Panel in 2016, previously completed in 2012, which was based on interviews with five elected members of the Council. The Finance and Governance Cabinet Advisory Board did not support the recommendation put to them on the basis of inadequate evidence; the Cabinet concurred but resolved to submit the report for consideration by Full Council.

The Mayor advised that a motion should be moved to facilitate a debate. Councillor Barrington-King moved option B (to maintain the current level of allowances) as the substantive motion.

Councillor McDermott seconded the motion and reserved his right to speak.

Councillor Williams noted the reduction in Revenue Support Grant and the fact that the Council would be short of funds. Consequently he felt that the amount of money spent on councillors was too high and should be reduced, preferably by a reduction in the number of councillors but if this was not possible in the short term then by a reduction in allowances.

Councillor Lidstone concurred and added that with proposed staffing reductions next year of £292,000 the Council should show solidarity and support an option that saw a reduction in the overall amount of allowances.

Councillor Backhouse commented that being a councillor was often the preserve of those fortunate enough to support themselves in retirement and reasonable allowances were required to ensure there was representation in other areas. However, he felt that the setting of the level of allowances was unpleasant and would be subject to criticism. It should be agreed independently and he would abstain from the vote.

Councillor Bulman shared the view that members should not agree their own allowances. He had entered politics to make a difference and he would continue even if allowances were withdrawn. He questioned the method of calculating the number of hours worked as a suitable measure and would prefer a system based on outcomes if such a measure could be found.

Councillor Dr Hall commented that she had been opposed to the increase proposed the last time allowances had been considered. This time there were a number of flaws in the report. Only five of 48 councillors had been interviewed which could not be regarded as statistically significant, the questions used were based on those used previously and an inaccurate comparison had been made to other Kent authorities. She supported option B.

Councillor Holden commented that members would be criticised in any case unless allowances were abolished but public service had value and should be recognised. He did not support reducing the number of councillors adding that democracy had a price which was worth paying. The Council could theoretically save much money by removing all councillors but he did not want to live in a dictatorship. He agreed that the report was flawed, specifically that the assumption that the number of hours spent on Council work had reduced was not correct and felt the existing level should be maintained.

Councillor Hamilton commented that everyone should have the opportunity to serve rather than just the privileged few. Everyone had bills and living expenses and she had reduced her paid work in order to serve on the Council.

Councillor Hill saw no issue with reducing the allowances adding that she had not joined the Council to make money. Residents were being expected to take cuts like those agreed earlier in the meeting and there were cuts to staff, therefore it was not unreasonable that the cost of councillors should also be reduced. She added that the Council should, as soon as possible, look to reduce the number of councillors.

Councillor Heasman noted that he was fortunate in that he was retired and not dependant on the income. He had not joined the Council for the allowances and chose to not take them. However, the work was varied, extensive and complex, and the time spent estimates outlined in the report were not sufficient. Members did a lot of work which should not be undervalued.

Councillor Horwood supported option B adding that there should not be an increase nor decrease at this time. He suggested that councillors should show solidarity with staff by linking the level of allowances to the rates received by staff.

Councillor Reilly noted that he was recently elected and a self-employed management accountant. He had quantified his time spent on Council business as at least two and a half days per week. Whilst working for the Council he was not working at his business and so relied on the allowances, which included a 40 per cent reduction for public service, to top-up his lost earnings. Councillors had an obligation to be fully conversant with every decision taken which took a considerable amount of time.

Councillor Dr Basu commented that he had agreed with the reduction last time allowances had been considered and would support the comments of Councillor Horwood.

Councillor Chapelard advised that he had requested some figures from the Finance Department and had been told that since 2010 the Revenue Support Grant had reduced by 82 per cent, but, in the same period the cut to Members' allowances had been two per cent. Councillors should be setting an example and he would have difficulty justifying the cuts in the proposed Budget in February 2017 if Councillors' expenses stayed the same. Councillors were not indispensable and others could be found for less money. Maintaining allowances at a time when cuts were being made could damage the reputation of Councillors to a point whereby it became difficult to recruit new members. It would also be difficult to say to staff that £292,000 needed to be saved but Councillors were keeping their pay. Members should show leadership.

Councillor March supported option B to enable quality candidates to come forward for election adding that the allowances were necessary for some working people or people with families. Some Members were serving on several committees which occupied a significant amount of time and this should be recognised.

Councillor McDermott supported the comments of Councillors Dr Hall and Holden and commented that Members setting their own allowances was embarrassing. He agreed with the suggestion of Councillor Horwood.

As the mover of the motion Councillor Barrington-King replied. He commented that whilst many people stood for election without considering the allowances, the actual amount of work involved would soon become apparent and this needed to be recognised. He added that he would be happy to move an amendment to the effect that allowances remained the same for the time being but increased annually in line with officer salaries as set out at paragraph 2.5 of the report.

William Benson, Chief Executive, explained that Council procedure allowed the mover of a motion to amend it provided they had the consent of the seconder and the meeting, which shall be indicated without debate.

Councillor McDermott consented to the amendment.

Councillor Rankin raised a point of order and sought clarification that the proposed action was within the power of the Council. She noted that paragraphs 2.1 and 2.2 of the report stated that the Council was required to undertake a review of members' allowances every four years and to have regard to the recommendations of the Joint Independent Remuneration Panel.



At the Mayor's invitation Lee Colyer, Director of Finance and Corporate Services (Section 15 Officer) advised that legislation required that any linking of allowances with officers pay would have to be reviewed in four years whereupon the Panel would be reconstituted and the report of the day considered.

Councillor Rankin commented that she did not support an amendment that could potentially increase Members' allowances by one and a half per cent per year. She understood that the amendment was intended to avoid the need to come back and have a Remuneration Panel; as this was not the case she could not support the amendment.

Mr Benson advised that Councillor Barrington-King had proposed an amendment which had been consented to by Councillor McDermott but had not yet been consented to by the meeting. It was, therefore, for Councillor Barrington-King to determine whether he wished to pursue the amendment.

Councillor Barrington-King acknowledged the complex nature of the question at hand and was grateful for the experienced advice of Councillor Rankin. He withdrew the amendment.

Several Members called for a recorded vote.

The Mayor confirmed the motion as being set out in the report as option B and took a recorded vote.

Members voting in favour of the motion: Councillors Barrington-King, Dr Basu, Dawlings, Elliott, Dr Hall, Hamilton, Hannam, Hastie, Heasman, Hills, Holden, Horwood, Huggett, Mackonochie, March, McDermott, Noakes, Nuttall, Ms Palmer, Reilly, Simmons, Stewart, Mrs Thomas, Uddin, Weatherly, and Woodward. (26)

Members voting against the motion: Councillors Chapelard, Hill, Lewis-Grey, Lidstone, Moore, Munn and Williams. (7)

Members abstaining from voting: Councillors Backhouse, Bulman, Jamil, Jukes, Neve, Oakford, Podbury, Rankin, Sloan, Scholes, Mrs Soyke and Stanyer. (12)

**MOTION CARRIED**

**RESOLVED –**

1. That the recommendations of the Joint Independent Remuneration Panel be noted; and
2. That the existing level of allowances be continued.

**EXTERNAL AUDITOR PROCUREMENT**

FC52/16 The Mayor opened the item noting that it had been recommended by the Audit and Governance Committee.

Councillor Horwood introduced the report commented that the content had been reviewed on several occasions throughout the year and a number of

alternatives had been investigated. It was important that the process be completed properly and timely. Councillor Horwood moved the two recommendations.

Councillor Dawlings seconded the motion and reserved his right to speak.

The Mayor invited comments; there being none he took a vote on the motion.

**MOTION CARRIED**

**RESOLVED –**

1. That the Public Sector Audit Appointments' (PSAA) invitation to opt in to the sector-led option for appointment of external auditors for five financial years starting 1 April 2018 be agreed; and
2. That the Director of Finance and Corporate Services be delegated authority to liaise with PSAA and respond to its consultations on specific proposals as they come forward.

**NOTICE OF MOTIONS**

FC53/16 The Mayor confirmed there were no Motions on Notice to consider pursuant to Council Procedure Rule 11.

**URGENT BUSINESS**

FC54/16 The Mayor confirmed there was no urgent business to consider within the provisions of Council Meetings Procedure 2.1.12.

**COMMON SEAL OF THE COUNCIL**

FC55/16 **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**

FC56/16 It was noted that the next meeting of the Full Council would take place on Wednesday 22 February 2017 at 6.30pm.

NOTE: The meeting concluded at 7.45 pm.