

## **Borough Green Parish Council welcomes the findings of Tonbridge and Malling Borough Council's Standards Hearing**

**Date: 01/12/2022**

A Standards Hearing was conducted by Tonbridge and Malling Borough Council (TMBC) on Friday 18<sup>th</sup> November 2022. The Hearing found that a Councillor of Borough Green Parish Council (BGPC) failed to comply with Paragraph 3 of the Parish Council's Code of Conduct.

The Hearing was conducted after TMBC received eleven complaints from Parish Councillors and the Clerk from BGPC about the conduct of the Councillor.

### **The initial incident and legal issue**

The incident occurred in June 2020 when BGPC became involved in a disagreement with a landowner, which escalated into a legal dispute. The Claimant contested that BGPC acted without appropriate authority and committed the tort of trespass. BGPC took the view that it had authority from Kent County Council (KCC) to act and challenged perceived failings contrary to the Highways Act 1980. In addition, BGPC submitted that it had a duty of care to act under the Highways Act 1980.

Despite continuously trying to resolve the matter informally, legal proceedings escalated and, to avoid costly action at court, BGPC acted on legal advice and opted to settle out of court for £55,640 (legal costs £22,043, damages and complainant's legal costs £33,000 and remedial action £597) rather than risk losing the case with costs up to £150,000.

BGPC wanted to release this information to the public much earlier, however the Council has been restricted by legal reasons relating to civil litigation proceedings and by the Standards Hearing.

### **BGPC initiates change and improvements**

BGPC recognised that improvements were needed within the Council following the legal dispute and has responded by implementing a range of changes. Our priority as always remains, supporting and providing the best possible service to our local communities.

The Council has ensured that our financial position has remained stable throughout and we have continued to fund core activities, ensuring that they have operated effectively. Our commitment to the community has included the installation of a wonderful children's playground and perimeter path within the Recreation Ground, the continued provision of excellent sports and social facilities at Potters Mede, improvements to our land and open spaces, running special events such as the Queens Platinum Jubilee celebrations and ongoing financial support for many local charities and fund-raising initiatives.

Our position on this legal matter is one of regret but the Council is determined to move forwards in a positive manner and to continue to represent, serve and work well with our local communities.

**Borough Green Parish Council**