

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **OVERVIEW AND SCRUTINY COMMITTEE**

### **MINUTES**

**Thursday, 7th July, 2022**

**Present:** Cllr Mrs A S Oakley (Chair), Cllr A E Clark (Vice-Chair), Cllr M O Davis (Vice-Chair), Cllr R I B Cannon, Cllr A Cope, Cllr F A Hoskins, Cllr S A Hudson, Cllr Mrs F A Kemp, Cllr D W King, Cllr J R S Lark, Cllr H S Rogers, Cllr M Taylor, Cllr D Thornevell, Cllr F G Tombolis, Cllr D J Cooper and Cllr N Foyle.

(Note: As Councillor R Dalton was unable to attend in person and participated via MS Teams he was unable to vote on any matters)

Councillor P Boxall was also present pursuant to Council Procedure Rule No 15.21.

Councillors Mrs P Bates, R Betts, M Boughton, V Branson, D Davis, M Hood, D Keers, P Montague, W Palmer, M Rhodes, J Sergison, K Tanner and M Tatton participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21

Apologies for absence were received from Councillors M C Base, C Brown and D Harman

### **PART 1 - PUBLIC**

#### **OS 22/21 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

Cllr D Cooper – substitute for Cllr D Harman  
Cllr N Foyle – substitute for Cllr M Base

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

#### **OS 22/22 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

**OS 22/23 MINUTES**

**RESOLVED:** That the Minutes of the meetings of the Overview and Scrutiny Committee held on 10 March and 5 May 2022 be approved as a correct record and signed by the Chairman.

**MATTERS FOR RECOMMENDATION TO THE CABINET****OS 22/24 EXECUTIVE SCRUTINY PROTOCOL**

The report of the Director of Central Services and Deputy Chief Executive reminded Members of the changes to the Council's governance arrangements which had come into effect on 10 May 2022 and had increased the scope, role and responsibility of the Overview and Scrutiny Committee so that it could effectively discharge its functions. The report provided details at Annex 1 of the draft Executive-Scrutiny Protocol agreed between the Leader and the Chair of Overview and Scrutiny which aimed to ensure that there was a constructive relationship between the Executive and the Overview and Scrutiny Committee. The Committee was advised that statutory guidance highlighted the benefits of adopting a protocol to clarify the relationship between it and the Executive to support a framework of strong democratic transparency and accountability and to establish effective communication between Scrutiny and Executive Members which could lead to more effective scrutiny of and support for the Executive.

A number of Members identified the need for training on the new governance arrangements and about the relationship between the Overview and Scrutiny Committee and the new Scrutiny Select Committees and were advised that training for committee members was scheduled to be held on 5 October and that this could be shared more widely if required.

**RECOMMENDED:** That, subject to clarification of the wording of the Protocol with regard to access to key information (in accordance with paragraph 40 of the Statutory Guidance) in consultation with the Leader and the Chair of Overview and Scrutiny, the draft protocol, as set out at Annex 1 to the report, be commended to Cabinet for approval.

**\*Referred to Cabinet**

**DECISIONS TAKEN BY THE COMMITTEE****OS 22/25 SCRUTINY WORK PROGRAMME 2022/23**

Further to the review of the governance arrangements the report of the Chief Executive identified a number of issues and activity which could benefit from further consideration by the Overview and Scrutiny Committee. In addition to the review topics identified in a canvass undertaken prior to the meeting, it was noted that the Chair had

requested that each agenda of the committee include, as a standing item, an information report on the list of Non-Key Decisions taken by the Executive since the previous meeting of the committee. The topics identified for review were:-

- Planning Enforcement
- Mandatory services and non-mandatory services
- Revenue Estimates 2023/24
- Capital Plan Review 2022/23

In addition to the proposed work programme for the Overview and Scrutiny Committee, details of issues to be considered by the three Scrutiny Select Committees were also provided. During consideration of these topics Members requested that the Housing and Planning Scrutiny Select Committee be asked to include carports, garages and IGN 3 in its consideration of the Local Plan. Additionally, Members felt that consideration of value for money in relation to the Leisure Trust should be dealt with at the Overview and Scrutiny Committee rather than a Select Committee.

**RESOLVED:** That, subject to the addition of the Leisure Trust, the review items set out in section 1.2.8 to the report, be endorsed.

### **MATTERS FOR INFORMATION**

#### **OS 22/26 BUDGETARY CHANGES AND STRATEGIC RISK REGISTER**

Consideration was given to the report of the Management Team which provided high level information in terms of the budget position and the direction of travel. Members were also directed to the red rated risks on the Strategic Risk Register.

**RESOLVED:** That the report be noted.

### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **OS 22/27 EXCLUSION OF PRESS AND PUBLIC**

The Chair moved, it was seconded and

**RESOLVED:** That, as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE****OS 22/28 WASTE CONTRACT**

(Reasons: LGA 1972 - Sch 12A Paragraph 3 – Financial or business affairs of any particular person and Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

Members gave detailed consideration to the report of the Director of Street Scene, Leisure and Technical Services which provided a detailed response to the request received from two members of the committee for information on the Contract Costs, Penalties and Future Service Review of the Waste Services Contract.

**RESOLVED:** That

- (1) a report on Key Performance Indicators related to the waste contract be submitted to the Communities and Environment Scrutiny Select Committee on a regular basis to identify performance trends;
- (2) an informal briefing note be circulated to members of the Overview and Scrutiny Committee on the provision of Performance Payments from Kent Council Country outlining their scale over previous years, how they are derived and their relationship to the Inter Authority Agreement between Kent County Council and the Borough Council; and
- (3) an informal briefing note presenting a simplified and overall financial assessment of budgets related to the waste contract be circulated to all members of the Overview and Scrutiny Committee.

The meeting ended at 9.50 pm