

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 17th November, 2022

Present: Cllr Mrs A S Oakley (Chair), Cllr A E Clark (Vice-Chair), Cllr M O Davis (Vice-Chair), Cllr C Brown, Cllr R I B Cannon, Cllr A Cope, Cllr D Harman, 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 D Thornevell, Cllr F G Tombolis and Cllr B J Luker (substitute)

In attendance: Councillors R P Betts, M D Boughton, M A J Hood, D Keers were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors Mrs P A Bates, T Bishop, V M C Branson, M A Coffin, P J Montague, W E Palmer, M R Rhodes, R V Roud, K B Tanner and Mrs M Tatton participated via MS Teams and joined the discussion when invited to do so in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base, R W Dalton and M Taylor

PART 1 - PUBLIC

OS 22/37 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr Luker substitute for Cllr Dalton

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 22/38 DECLARATIONS OF INTEREST

For reasons of transparency, Councillor M Davis advised that he was one of the Borough Council appointees to the Board of the Tonbridge and Malling Leisure Trust which would be discussed under agenda item 8. As the report was for information only and in the view of the Monitoring Officer did not represent an Other Significant Interest there was no requirement for Councillor Davis to withdraw from the meeting.

OS 22/39 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 6 October 2022 be approved as a correct record and signed by the Chairman.

OS 22/40 EXECUTIVE DECISION 'CALLED IN' - D22009CAB - SPORTS DEVELOPMENT AND YOUTH PROVISION

The report of the Scrutiny Officer advised that in accordance with the Overview and Scrutiny Procedure Rules set out in the Constitution, five members of the Committee had raised a valid 'call-in' request in relation to the decision taken by the Cabinet in respect of Sports Development and Youth Provision.

Decision Notice D220099CAB (attached at Annex 1) had been published on 10 November 2022 and subsequently called-in by Councillors Clark, Cope, Hoskins, Oakley and Thornewell.

The grounds for call-in were set out in the report, at paragraph 1.1.2, and the decision was 'deferred' pending consideration by the Overview and Scrutiny Committee.

Members of the Committee considered the grounds for the call-in and had regard to the responses provided by the Cabinet Member for Community Services. There was detailed discussion on the merits of the proposals and the concerns raised around the disproportionate impact on vulnerable, disadvantaged and/or disabled young people; the performance of the service and its impact on local communities. In response, the Cabinet Member recognised the importance of embracing diversity and reassured the Committee that this would be reflected in any future decisions in respect of new youth projects. Particular reference was made to the Leisure Pass Scheme and consideration would be given on how to improve diversity and disability access.

However, the Cabinet Member reminded the Committee of the challenging financial position faced by the Borough Council, that sports development and youth provision were discretionary services and that these services were offered by alternative providers. In addition, the Leader of the Borough Council indicated that funding from the UK Shared Prosperity Fund could be available to support new youth projects in the future. It was important to recognise that services could be provided in a different way and strong relationships with partners would be pursued to avoid duplication of youth based projects and to reduce gaps in provision.

It was proposed by Councillor Hoskins and seconded by Councillor Thornewell that the decision be referred to Cabinet to:

- identify any gaps in service, including adverse impacts on disadvantaged/disabled users; and
- consider how funds received from central government could be used in relation to youth engagement/activities

Following a formal vote this proposal was rejected with 11 Members voting against and 5 voting in favour.

The Overview and Scrutiny Committee felt that there should be no further recommendations made to the Cabinet and that the decision should be implemented as taken.

Following a formal vote this opinion was supported with 11 Members voting in favour, 4 voting against and 1 abstaining.

As the Overview and Scrutiny Committee had no further recommendations to make to the Cabinet the grounds for call-in were not supported.

RESOLVED: That, as there were no further recommendations to make to the Cabinet the decision would come into immediate effect. Therefore, the proposals in respect of Sports Development and Youth Provision could be implemented from 18 November 2022.

(Note: Vice-Chair (Cllr M Davis) was in the Chair for this item as the Chair (Cllr A Oakley) was one of the five Members who had requested the call-in)

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 22/41 CORPORATE STRATEGY - CONSULTATION DRAFT

The report of the Chief Executive presented a draft of the Corporate Strategy 2022-2025 for public consultation. The Strategy (attached at Annex 1) demonstrated the ambition for the Borough in a simpler and clearer format.

Attention was drawn to the four priorities set out in the Strategy, summarised in 1.2.3 of the report, and details of community engagement to gather views of local residents and businesses was outlined in 1.3. It was envisaged that consultation would take place over a four week period during Winter 2022-23 and would be promoted via partnership networks, the website and social media channels.

It was reported that consultation responses would inform any amendments to the Corporate Strategy. In addition, it would be important to develop an annual action plan setting out key measures to help deliver the Strategy.

Members commented on the proposals for public consultation and questioned whether promotion on social media would reach a wide enough audience. It was noted that recent online consultations and/or surveys had managed a good level of response. With regard to the online consultation form, it was indicated that this would be designed to enable users to submit detailed answers.

A number of minor and factual corrections were identified and Members were invited to raise these out of meeting with the Strategic Economic Regeneration Manager.

RECOMMENDED: That the Corporate Strategy Consultation draft (attached at Annex 1) be commended to Cabinet for approval. ◀

***Referred to Cabinet**

MATTERS FOR INFORMATION

OS 22/42 TONBRIDGE AND MALLING LEISURE TRUST

The joint report of the Director of Street Scene, Leisure and Technical Services and the Director of Finance and Transformation provided background on the Tonbridge and Malling Leisure Trust, its scope and the services it provided. In response to a request from Councillor Base the report also identified savings over the past 9 years as a consequence of the Borough Council's decision to outsource to a local Trust.

It was noted that, in what would be the first ten years of the Trust's existence until the end of the current financial year, the total savings/investment as a consequence of outsourcing to a Trust amounted to around £5.8m compared to continued provision of an in-house model.

In addition, it was noted that the as a result of the pandemic and unprecedented increases in utility costs the Borough Council would have provided unanticipated financial support to the Trust over the past three years of around £2.3m. These exceptional circumstances had been managed through strong partnership working that might not have been possible with another operating model or contractor. The financial support provided was deemed the most cost effective approach to retaining facilities and service to residents.

In summary, the arrangement with the Trust had generated significant financial savings, maintained standards and levels of service and enabled further investment in the facilities.

Members welcomed the financial detail set out in the report and the support offered to the Trust during the pandemic. However, concern was expressed about the Trust's ability to cope with rising energy costs.

Reference was made to the utility cost sharing agreement between the Leisure Trust and the Borough Council and it was indicated that neither organisation could sustain rising costs for the long term. In an effort to help mitigate costs associated with gas and electricity the Trust had introduced a surcharge on all casual swimming. It was expected that this would generate additional income in excess of £200,000, although the cost to the Borough Council was likely to be around £650,000. Members were reminded that if the authority was running the facilities direct then it would have to bear these costs in any event.

It was reported that decarbonisation and energy efficient projects at the Trust facilities were being pursued by the Borough Council and it was hoped that more detail would be presented to the Scrutiny Select Committees in due course.

Members were reminded that the Trust currently operated Larkfield Leisure Centre, the Angel Centre, Tonbridge Swimming Pool, Poul Wood Golf Club and Leybourne Lakes Country Park. The Management Agreement between the Borough Council and the Leisure Trust would run until 31 October 2033. At five year intervals there was a service fee review and, as part of the review, the Leisure Trust would present a business plan of how the Borough Council's priorities would be achieved. Members would have opportunity to consider this business plan at the appropriate time.

OS 22/43 RECORD OF DECISIONS TAKEN BY CABINET MEMBERS

The decisions taken by the Cabinet and Cabinet Members during September and October were presented for information and noted by the Committee.

Subsequent to the publication of the agenda, a number of decisions had been taken by Cabinet on 8 November, as well as a Cabinet Member decision taken in respect of a car parking study in Tonbridge.

OS 22/44 WORK PROGRAMME

The Work Programme setting out matters to be scrutinised during 2022/23 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee. It was requested that the following matters be considered for inclusion in the Work Programme, subject to liaison with relevant Services:

- The Leisure Trust – utility costs, decarbonisation and energy efficient projects, sustainability and future of leisure facilities
- Review of Governance Arrangements

MATTERS FOR CONSIDERATION IN PRIVATE

OS 22/45 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.05 pm