

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 14th September, 2023

Present: Cllr Mrs A S Oakley (Chair), Cllr R I B Cannon (Vice-Chair), Cllr M A J Hood (Vice-Chair), Cllr T Bishop, Cllr C Brown, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr G B Hines, Cllr F A Hoskins, Cllr S A Hudson, Cllr D W King, Cllr W E Palmer, Cllr D Thornewell and Cllr A Mehmet (substitute)

In attendance: Councillors A G Bennison, M Taylor, Mrs S Bell, M D Boughton, D Keers, K B Tanner and Mrs M Tatton listened and participated in the discussion via MS Teams in accordance with Council

Virtual: Procedure Rule No 15.21.

An apology for absence was received from Councillor J R S Lark

PART 1 - PUBLIC

OS 23/37 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor Mehmet substitute for Councillor Lark

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 23/38 DECLARATIONS OF INTEREST

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

OS 23/39 MINUTES

RESOLVED: That the Minutes of the ordinary and extraordinary meetings of the Overview and Scrutiny Committee held on 29 June 2023 and 1 August 2023 be approved as a correct record and signed by the Chair; subject to

- (1) The following correction in respect of attendance at the extraordinary meeting of 1 August 2023:

- An apology for absence was received from Cllr F A Hoskins who was substituted by Cllr G Bridge.

OS 23/40 PERFORMANCE OF HOUSING ASSOCIATIONS

Representatives of Clarion Housing provided a comprehensive explanation of the organisation's operations in the Borough and detailed its performance on repairs, changes to service, casework processes, estate management and voids turnaround. There was also information on how anti-social behaviour was addressed.

Members sought clarity on a number of issues and those of a ward specific nature would be addressed out of meeting. There was in depth discussion on a range of issues and the following points were highlighted:

- The lack of direct telephone numbers and email addresses for points of contact;
- The ongoing problems with poor communication and lack of effective engagement with local Councillors. The Housing Association's commitment to improving and streamlining this process was noted;
- The positive steps being taken to address damp, mould and condensation were welcomed;
- The poor performance in addressing complaints. However, the implications of the cyber attack experienced by Clarion in 2022 were also noted;
- The confusion around land ownership and taking ownership of problems such as fly tipping. It was noted that Clarion were committed to investigating reports and taking action where possible;
- The pop-up community events were welcomed and greatly appreciated by tenants. However, the Committee asked that these were given better promotion and for local ward Members to be advised; and
- The Investment Programme was welcomed and the Committee suggested that sound insulation be considered as part of this initiative.

Members were reminded of the 6 weekly councillor surgeries and were encouraged to attend these to raise specific issues, although any immediate problems could be raised via email or the contact centre.

Finally, the Cabinet Member for Finance and Housing commented that the presentation highlighted the significant challenges faced by housing associations and local authorities, welcomed that responsibility for maintenance and repairs had been returned 'in-house', noted that resident engagement was appreciated by tenants and reminded that 1,000s of tenants were living happily in Clarion properties.

MATTERS FOR DECISION UNDER DELEGATED POWERS

OS 23/41 REVIEW OF GOVERNANCE ARRANGEMENTS

Members reviewed the governance changes introduced in May 2022 and considered whether the existing arrangements could be amended

and/or improved. The scope of the review had been agreed by the Overview and Scrutiny Committee in April 2023 and these areas of discussion were detailed in 1.3 of the report.

The increase in the number of scrutiny committees was generally regarded as positive, although it was recognised that the system required further time to become familiar before it was possible to identify if any further, or significant, changes were required.

However, there were some concerns raised about the lack of collaboration and engagement from Members on issues, the difficulty in getting business onto agendas and insufficient matters being identified for the work programmes. There was also concern expressed that the move away from Advisory Boards meant that all Councillors were not fully appraised on all aspects of business.

Whilst the scrutiny committees were able to set their own agendas and work programmes there was still confusion around the process for agreeing topics for future meetings. The Committee supported the formalisation of the process of submitting requests for agenda items to the Chair for liaison with key officers to ensure that the work programme remained balanced throughout the year.

Attention was drawn to the Terms of Reference (TOR) for the 3 Scrutiny Select and the Overview and Scrutiny Committees (attached at Annex 2) and Members supported the introduction of regular agenda setting meetings between the Chair of the Overview and Scrutiny Committee and the Chairs of the 3 Scrutiny Select Committees in order to minimise issues of overlapping of business. The Chair committed to meeting regularly with Cabinet Members, as set out in the Cabinet-Scrutiny Protocol.

There was heated debate on the call-in process and Cllr Hoskins proposed, seconded by Cllr Cope that the number of members of the Overview and Scrutiny Committee required to call-in a decision should be reduced to 3 (down from 5). Following a formal vote this proposal was supported by the Committee.

Consideration was given to the guidance issued by the Local Government Association on the setting of scrutiny work programmes. The Committee supported the inclusion of this guidance into the Cabinet-Scrutiny Protocol for easy reference. It was also suggested that the Protocol be published as an Annex to the Constitution so that it was easily available on the website.

Members agreed that regular agenda setting meetings between the Chair of the Overview and Scrutiny Committee and the Chairs of the 3 Scrutiny Select Committees be introduced to minimise issues of overlapping of business.

RECOMMENDED*: That

- (1) the number of members of the Overview and Scrutiny Committee required to call-in a decision be reduced to 3;
- (2) the formalisation of the process of submitting requests for agenda items to the Chair for liaison with key officers to ensure that the work programme remained balanced throughout the year be approved;
- (3) the Overview and Scrutiny and Cabinet Protocol be amended as follows:
 - (i) inclusion of the Local Government Association guidance on the setting of scrutiny work programmes (as set out in 1.3.10);
- (4) the amended Cabinet-Overview & Scrutiny Protocol be published to the website as an Annex to the Constitution.

Recommended to Executive*OS 23/42 REVIEW OF OUTSIDE BODIES - SCOPING REPORT**

The report of the Chief Executive set out potential areas to review in respect of the Borough Council appointments to 'outside bodies' and the role of these appointees on these groups. The list of current appointments was set out in Annex 1.

It was reported that the majority of the organisations on the list were based in the borough. However, some were located outside of the borough but provided either support or services to residents in Tonbridge and Malling.

Consideration was given to the suggested focus for the review (as outlined in 1.2 of the report) which included gaining a better understanding of the aims and priorities of the organisations, exploring the role of the appointed Borough Councillors and whether non-Councillors should continue to serve on outside bodies.

Members welcomed the opportunity to review these appointments and gain a better understanding of what might be expected from Councillors in terms of time commitment and responsibility. The value of experienced appointees was recognised although it was felt that there should be some succession planning and development of new appointees and councillors. It was also recognised that there should be some mechanism for appointees to report back to the Borough Council, especially in respect of those organisations receiving grant funding or receiving levies.

Finally, the Committee felt there was some merit in allocating specific outside bodies to individual Scrutiny Select Committees to streamline any annual reporting to the Borough Council.

RESOLVED: That the approach outlined in 1.2 of the report be endorsed to undertake further evaluation of the issues raised.

MATTERS FOR INFORMATION

OS 23/43 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN - ANNUAL REVIEW LETTER

The Local Government and Social Care Ombudsman annual review letter was presented for information. Members noted the number of complaints dealt with for the period April 2022 to 31 March 2023 and the outcome of those complaints.

It was also noted that neighbouring authorities had a similar number of complaints and comparative data could be viewed on an interactive map at: <https://www.lgo.org.uk/your-councils-performance>

OS 23/44 KEY PERFORMANCE INDICATORS

Members received a list of Key Performance Indicators (KPIs) that were relevant to the Committee. A baseline covering April to June 2022 had been used, with the data for April to June 2023 representing the most up to date available statistics. The KPIs would be monitored quarterly and would be made available on an ongoing basis.

It was noted that there had been no questions or queries raised in advance of the meeting.

OS 23/45 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE

The decisions taken by the Cabinet and Cabinet Members during July and August 2023 were presented for information and noted by the Committee.

OS 23/46 NOTICE OF FORTHCOMING KEY DECISIONS - OCTOBER TO DECEMBER 2023

The Notice advised of key decisions to be taken during the period October to December 2023. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 at least 28 days before a key decision was expected to be taken a Notice of Forthcoming Key Decisions should be published.

Members were advised that the Notice was required to set out the matter in respect of which a key decision was to be made, details of the decision taker and the date on which the decision would be made; a list of documents (usually an officer report) to be submitted to the decision taker for consideration in relation to the matter and the address from

which, subject to any prohibition or restriction on their disclosure, copies of or extracts from any document listed was available. In response to a query raised about the lack of detail provided in the Notice, the Director of Central Services offered to explore whether more could be included.

The process for publishing a Notice of Forthcoming Key Decisions was also set out in Part 4 – Access to Information Rules of the Borough Councils Constitution

OS 23/47 WORK PROGRAMME

The Work Programme setting out potential matters to be scrutinised during 2023/24 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

A number of suggestions raised from the floor would be reviewed by the Scrutiny Officer, in liaison with the relevant Chairs and Officers. These included revisiting the review of governance arrangements and a review of the planning establishment following recent recruitment incentives.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 23/48 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.20 pm